

**Xavier Charter School
District 462
5000 Series
Personnel**

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Goals

Policy Number: 5000

The human resources of the School 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 School. Opportunities for staff development should be provided periodically.

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

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

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

Hiring Process and Criteria

Policy Number: 5100

The Principal is responsible for recruiting personnel, in compliance with Board policy, and making hiring recommendations to the Board. Educational support personnel applicants are initially screened by the principal. The School shall hire the best-qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy and state law on equal employment opportunities.

All applicants must complete a School application form in order to be considered for employment. Each person hired by the School will undergo a criminal history check consistent with Idaho law. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law. In addition, each new employee may be required to take a drug screening prior to rendering any service to Xavier Charter Schools. The results of the drug screening must be negative for any drugs tested.

The testing will be conducted by a capable medical center.

Certification of Professional Personnel

The School shall require that its contracted certificated staff hold a valid Idaho certificate endorsed for the role and responsibilities for which they are employed. All certificated

professional employees must be employed on a written contract in the form approved by the state superintendent of public instruction. The School will withhold the salary of any certificated professional employee who does not hold a valid certificate.

Upon receipt of a proposed contract for the ensuing school year, the person shall deliver the signed contract to the School within ten (10) days of receipt of the same. Delivery of a contract may be made only in person or by certified mail, return receipt requested.

(Note: If return delivery of the contract to the school is utilized, the return envelope shall bear a post mark on or before the ten (10) day period.)

Should any person refuse to acknowledge receipt of a contract or not return a signed contract to the School within the time period set forth herein, the School may declare the position vacant and offer the contract to another person.

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



Legal Reference:

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

Criminal History/Background Checks

Policy Number: 5110

General

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

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

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

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

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

Initial Hires

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

- (1) Certificated and noncertificated employees;
- (2) All applicants for certificates;
- (3) Substitute staff;
- (4) Individuals involved in other types of student training such as practicums and internships; and
- (5) All individuals who have unsupervised contact with students.
- (6)

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

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

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

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

Employee Arrest or Conviction

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

regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

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

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

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

Substitute teachers

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

Other employees

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

Volunteers

Any volunteer in the Charter School who has regular unsupervised access to students, as determined by the Principal or the Principal'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 Charter School.

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

Contractors

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

Confidentiality

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



Legal 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

Equal Employment Opportunity and Non-Discrimination

Policy Number: 5120

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

In keeping with these statements, the following shall be guiding principles for the school:

1. To promote the rights and responsibilities of all individuals as set forth in the State and Federal constitutions, pertinent legislation, and applicable judicial interpretations.
2. To encourage positive experiences in human values for children and adults who have differing personal and family characteristics or who come from various socioeconomic, racial and ethnic groups.
3. To carefully consider, in all decisions that affect schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which he or she lives.

5. To initiate a process of reviewing all policies and practices of Xavier School in order to achieve the objectives of this policy.

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

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



Legal Reference:

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

Non-School Employment

Policy Number: 5125

The Board considers teaching duties (1.0 FTE) in the School's full-time employment. No school employees shall engage at any time in any employment that:

1. Would interfere with their effectiveness in performing regular assigned duties;
2. Would compromise or embarrass the school system;
3. Would adversely affect their employment status or professional standing;
4. Or would in any way conflict with assigned duties.

Employees shall not be employed or involved in any private business during the hours necessary to fulfill appropriate assigned duties.

Applicability of Personnel Policies

Policy Number: 5200

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the School. However, where there is a conflict between the terms of a collective bargaining agreement and the School'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 School 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 Charter School's right to terminate the employment relationship of classified employees at will.



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

Work Day

Policy Number: 5210

Length of Work Day – Certified

All certificated staff members are to be on campus one-half (½) hour prior to the school day beginning for students and remaining for one-half (½) hour after the school day for students is completed unless directed by the principal.

The length of a work day for a certified employee shall be seven and one-half (7 ½) hours for a full-time certified employee. The work day is generally exclusive of lunch and extra curricular assignments but inclusive of preparation time and assigned duties except school-wide meetings.

Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight (8) hour per day / forty (40) hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the schools shall be: 7:30 a.m. to 4:00 p.m.

Breaks

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



Legal Reference:

29 USC 201 to 219 Fair Labor Standards Act of 1985

29 CFR 516, et seq. FLSA Regulations

Contract Sharing

Policy Number: 5215

The Board of Education supports the concept of job/contract sharing. This concept allows two professionals to share a job/contract equitably for the benefit of the students in the class or program and the employees who are participating in the program. Among the benefits are; two professionals providing program opportunities for students, an overlap time where small group instructions can be provided regularly with two teachers in the classroom, little or no time spent with a substitute teacher, and formal planning time providing for a cooperative structured instructional plan for each student.

The support of the Board is based on the belief that there are professionals who wish to remain in teaching but have obligations to children, family, a business, or other responsibilities that precludes them for accepting full-time employment. The students of the class will have the benefit of two professionals directing their education for the year.

The Board's support for this program is based on the understanding that in splitting contracts the total cost of the job-share will be no greater than the cost of hiring just one individual to fulfill the contract.

The Board directs the administration to develop regulations for the implementation of this policy.

A split contract is a contract that two individuals share equally. Each teacher works two days a week and an "overlap" day per week. The "overlap" day provides for an orderly transition between the two instructors and assures adequate planning time between the teachers. In addition, optimal time is assured for communication between the teachers, parents, and students in that class. An "overlap" day is one day per week when both teachers are in the classroom for a minimum of 75% of that day. In the school calendar where there are weeks that vary from the five day week, the principal shall receive a written schedule of coverage from each job share.

Teachers, who share a contract, accrue sick days, personal days, educational reimbursement, and credit for retirement at 50% of the rate scheduled for a full-time equivalent teacher. One-half the amount of medical insurance benefits shall accrue to both teachers in a shared contract.

Additional medical insurance may be purchased at the teacher's option. Both teachers will work the parent-teacher conferences together and required school/school staff development meetings prior to the beginning of school.

Other staff development days will be divided between the partners. If the principal deems their attendance necessary beyond these stated days, they will be compensated at the substitute rate.

Teachers who share a contract will be paid 50% of their placement on the school salary schedule and will receive a written contract for their services. Teachers will move a full step on the salary schedule for each contract they sign. However, a teacher will receive only one-half year's credit for each split contract year toward renewable status. Thus, if a teacher begins their service to the school under a shared contract, they would require six years of non-renewable service before they attain (tenured) status with the offering and signing of their seventh shared contract. Because of the increased work load on the principal in the form of increased communication responsibilities, observations, evaluations, and other responsibilities, a limit of four split contracts shall be offered in one building. When a substitute teacher is needed, the teacher needing the substitute shall first contact their partner. If the partner can substitute, the partner shall inform the principal they are covering the class that day.

On short term absences (less than 10 days) every attempt will be made by both teachers to exchange days so the substitution can take place at no substitute cost to the school and no loss of sick days to the teacher. If that is not possible, the sub-caller will recruit a substitute from the school approved list of substitutes. Where the absence of one partner will require a long term leave, (medical, pregnancy, child-rearing, or other) the remaining partner will make every attempt to change their personal schedule so that they can maintain the continuity of the program by assuming full-time responsibility of the class.

Under those circumstances, the teacher assuming full-time, long-term responsibility (more than 10 days) of the class will be paid at their daily rate of pay for all the days worked. If the partner is unable to assume full responsibility of the class, a qualified regular substitute will be recruited for the half-time responsibility of the classroom.

A job-share teacher will be equally considered for any job opening that develops within the school and will be eligible for the same consideration as a full-time teacher.

Assignments, Reassignments, Transfers

Policy Number: 5220

All staff shall be subject to assignment, reassignment and/or transfer of position and duties by the Principal. Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. The Principal shall provide for a system of assignment, reassignment and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy shall prevent the reassignment of a staff member during the school year.

Classified Staff

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

Written notice of a reassignment or involuntary transfer shall be given the employee.

Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the Principal.

Teaching Staff

All teachers shall be given notice of their teaching assignments relative to grade level, building and subject area before the beginning of the school year. Provisions governing vacancies, promotions and voluntary or involuntary transfers may be found in employee handbooks.

Accommodating Individuals with Disabilities

Policy Number: 5230

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

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

The Principal is designated the Americans with Disabilities Act, Title I Coordinator and, in that capacity, is directed to:

1. Oversee the School's compliance efforts, recommend necessary modifications to the Board, and maintain the School's final Title II self-evaluation document and keep it available for public inspection.

1. Institute plans to make information regarding Title II's protection available to any interested party.

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



Legal Reference:

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

Sexual Harassment/Sexual Intimidation in the Workplace

Policy Number: 5240

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

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

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

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

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

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

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

Investigation. When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to: (1) Protect the grievant from further harassment; (2) Discuss the matter with and obtain a statement from the accused and his representative, if any; (3) Obtain signed statements of witnesses; (4) Prepare a report of the investigation.

Confidentiality Due to the damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding

such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with co-workers and/or other persons not directly involved in resolving the matter.

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

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

Employee Grievance Procedure

Policy Number: 5250

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

Level 1: Informal

An employee with a complaint is encouraged to first discuss it with the building administrator/supervisor involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

Level 2: Principal/Director

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating the nature of the grievance and the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal or director within five (5) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the principal/director shall investigate and attempt to resolve the complaint. If either party is not satisfied with the principal's decision, the grievance may be advanced to Level 3 by requesting in writing that the Board review the principal's/director's decision. This request must be submitted to the Board within five (5) days of the principal's / director's decision.

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

If the Board rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receiving the report of the Coordinator to the Board for a hearing.

Level 3: The Board

Upon receipt of a written appeal of the decision of the Principal, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and provided in writing to the classified employee within ten (10) days of that meeting. The decision of the Board will be final.

Staff Protection

Policy Number: 5255

The Board shall support, protect, and aid any school employee who suffers physical or severe personal verbal assault by a pupil or other person while the school employee is acting in the discharge of their duties within the scope of the School's policies. Should a pupil or other person physically or severely verbally assault any school employee, the incident shall immediately be reported to the principal.

The Principal shall report the incident to the proper authorities and to the Board.

This specifically cedes the authority to the principal to press charges if appropriate and take other action he may deem necessary to protect the school staff.



Legal Reference:

Idaho Code 33-1222, 18-916

Abused and Neglected Child Reporting

Policy Number: 5260

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

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

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

"Neglected" means a child: Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; See I.C. § 16-1602(25).

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

The Charter School employees of the shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Principal or the Principal's designee, who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

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

Code § 16-1605 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed. I.C. § 16-1606.

In addition, “any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney’s fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.” I.C. § 16-1607

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



Legal Reference:

I.C. § 16-1619 Reporting of Abuse, Abandonment or Neglect

I.C. § 16-1620 Immunity

I.C. § 16-1607 Reporting in Bad Faith-Civil Damages

I.C. § 16-1602 Definitions

Report of Suspected Child Abuse, Abandonment or Neglect

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

Copy to: Principal ____

From: _____ Title: _____

School: _____ Phone: _____

Persons contacted: Principal Teacher School Nurse Other

Name of Minor: _____ Date of Birth: _____

Address: _____ Phone: _____

Date of Report: _____ Attendance Pattern: _____

Father: _____ Address: _____ Phone: _____

Mother: _____ Address: _____ Phone: _____

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

Any suspicion of injury/neglect to other family members:

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

Previous action taken, if any:

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

Date Received: _____ Date of Investigation: _____

Personal Conduct

Policy Number: 5280

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

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

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

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



Legal Reference:

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

Solicitation of Staff Members

Policy Number: 5285

Solicitations By Staff Members

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

Solicitations Of Staff Members

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

No organization may solicit funds from employees or may distribute flyers related to fund drives through the school without submitting a written request to the Principal for their advance written approval.

The Board shall annually approve the types of fund drives that have been permitted during the previous year. This also includes fund drives by organizations form within the school.

Prohibition of Contracts with Employees for Goods & Services

Policy Number: 5287

The Xavier School Board of Directors determined that it is in the best interest of the school to avoid the appearance of impropriety and to avoid potential conflicts of interest in the purchase of goods and services.

Accordingly, unless authorized by the Board of Directors, Xavier Charter School will not purchase goods or services which cost \$500.00 or more, from any business which is owned, wholly or in a percentage of 25% or greater, by an employee of the School or by any person related to any employee of the School, by blood or marriage, within the second degree; spouses and adult cohabitants.

This prohibition expressly includes any business owned, wholly or in a percentage of 25% or greater, by the spouse, or adult co-habitant of a School employee.

Further, with regard to any technology equipment or computer equipment purchase, each purchase order is to indicate the purchase in question, the amount to be paid and have attached three written statements indicating bids or research regarding the price of the subject equipment. The School will purchase such equipment from the lowest of all prices, regardless of ownership of the business.

This prohibition does not apply to the purchase of goods or services from any publicly traded company or corporation for which any employee may hold an equity interest through the ownership of publicly traded shares of stock.

Where there are less than three (3) suppliers of a good or a service within a fifteen (15) mile radius of the School's property, it shall not be a violation of this Board Policy for the School to purchase a good or service from a School employee, spouse or adult cohabitant of a School

employee, or relative of a School employee as defined above, if the good or service is reasonably necessary to respond to a disaster or sudden and unexpected emergency.

Employees coming within the definition of the above prohibition shall have the responsibility to disclose to the School, prior to the completion of any sale of goods or services, their precise interest in the business supplying the goods or services. Failure to make such disclosure will result in disciplinary measures, up to and including possible termination of employment for violation of School Board Policies.

It is the employee's responsibility to disclose to the school, prior to the completion of any purchase of goods and/or services, any interest they or their family may have in a business.



Legal Reference:

Code of Ethics of the Idaho Teaching Profession

Political Activity – Staff Participation

Policy Number: 5290

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the School may seek an elective office, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The School assumes no obligation beyond making such opportunities available.

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

No School employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a School employee to express his personal political views.



Legal Reference:

5 USC 7321, et seq. Hatch Act

Tobacco Free Policy

Policy Number: 5310

The School maintains tobacco free buildings and grounds. Use of tobacco will not be allowed in any buildings or grounds nor will employees be allowed to use tobacco while on duty.

Employees of the School will be hired with the understanding they are not to use any type of tobacco in school buildings or grounds.

These prohibitions on tobacco use are applicable to all school grounds twenty-four hours a day.



Legal Reference:

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

Drug-Free Workplace

Policy Number: 5320

Purpose

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

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs is unacceptable.

Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

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

1. Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on School premises or while performing work for the Charter School;

2. Distribution, consumption, use, possession, or being under the influence of alcohol while on School premises or while performing work for the Charter School.

As a condition of employment, each employee shall:

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

Definitions as Used in This Policy

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

Confidentiality

Records that pertain to the Charter School's employee required substance screens are recognized to be private and sensitive records. They shall be maintained by the Principal in a secure fashion to insure confidentiality and privacy and be disclosed to the Director of Human Resources only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Director of Human Resources shall maintain any such records in a secure fashion to insure confidentiality and privacy. 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 drugfree 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

All applicants being considered for employment positions shall be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions which require testing shall be given a copy of this Policy in advance of the post-offer, pre-employment physical.

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 Principal and Director of Human Resources. An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the Charter School, and such will be considered as a withdrawal of the individual's application for employment. The applicant shall not be permitted to reapply for employment with the Charter School for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use.

If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the Principal and/or Director of Human Resources. If the first or any requested second confirming test is positive, any job offer shall be revoked.

Drug and Alcohol Abuse Testing Procedures

1. Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of external applicants for safety-sensitive positions with the Charter School as well as current Charter School employees.

2. Program Responsibility. The Charter School Director of Human Resources has the overall responsibility for this program.

3. Designation of Medical Review Officer. The Charter School has designated _____, as the Medical Review Officer (MRO). The Medical Review Officer will be responsible for reviewing the results of drug tests before they are reported to the Director of Human Resources; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive; conducting an interview with the individual testing positive; reviewing the individual's medical history and medical records made available to the individual to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the MRO deems it necessary; and verifying that the laboratory report and the specimen are correct. The MRO is expected to follow the Medical Review Officer Manual published by the U.S. Department of Health and Human Services for tests conducted under this Policy.

If the MRO determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will conclude that the test is negative and will not take any further action. If the MRO concludes that a particular test is scientifically insufficient,

the MRO will conclude that the test is negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test other than use of a prohibited drug, the MRO will communicate the test results as a positive to the Directory of Human Resources. The results of negative tests will be communicated by the MRO to the Director of Human Resources.

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

4. Designation of Laboratory. _____ has been selected to perform the testing on specimens submitted. _____ will be responsible for performing the required drug test in accordance with applicable federal and state laws, and, more specifically, as contained in this policy. _____ will also be responsible for properly handling specimens for alcohol testing. _____ is a certified lab approved for drug testing.

5. Collection Site. _____, is the designated collection site for collecting urine specimens.

6. Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the MRO and the Director of Human Resources about the required drug and/or alcohol test.

7. Specimen Retention. The retention of specimens for possible future analysis is the responsibility of _____. _____ will retain all specimens for a minimum period of one (1) week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one (1) year. Within this one (1) year period, the person tested, the MRO, or the Director of Human Resources can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one (1) year period, the sample may be discarded.

Any transfer of the original specimen to another laboratory for reconfirmation of positive results will follow the chain of custody procedures described in the policy.

8. Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the MRO within an average of five (5) days after receiving the specimens. The MRO will review the individual's medical history, questionnaire, relevant bio-medical information, and interview the person to determine if there is any satisfactory explanation for the positive result. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.

The MRO will advise the Director of Human Resources of any positive test results on external applicants where alcohol and drug testing has been required and where, in the view of the MRO, there is not legitimate medical explanation for the confirmed positive test result other than the unauthorized use of an illegal drug.

The MRO will advise the Director of Human Resources of any positive drug or alcohol test results on employees that were done for any reason in order that proper disciplinary actions can be coordinated and will advise the Director of Human Resources of negative test results.

9. Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the functions of the employee, the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the MRO or at the Director of Human Resources' discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results are confidential and will be released by the MRO and the Director of Human Resources only upon the written consent of the individual, except that results may be released and relied upon by the Charter School in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

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

10. General Drug Testing Procedures.

A. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.

B. Applicants will be asked to sign an authorization for the tests which will release the MRO to disclose the results of the drug and alcohol test to the Director of Human Resources. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, _____ will suspend the procedures at that point and refer the applicant to the Director of Human Resources.

C. The MRO will review the analytical results of the drug and alcohol tests, the individual's medical history questionnaire, and relevant biomedical information and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.

D. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary. The MRO will advise the Director of Human Resources of any positive test results where there is not a legitimate explanation for the positive test.

E. The MRO will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the MRO or the Director of Human Resources to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the MRO and, upon request, to provide the MRO with evidence of all drugs taken by prescription.

F. In the event of a positive test where there is not a legitimate medical explanation, the Director of Human Resources will advise the applicant in accordance with the Drug-Free Workplace Substance Abuse Policy of the conditions that must be met before the individual could again be considered for employment with the Charter School.

G. The designated safety-sensitive positions subject to testing are: principal, assistant principal, teacher, traveling teacher, teacher aide, substitute teacher, school secretary, and school bus driver.

H. Reasonable Suspicion Testing - This testing will be conducted for any employee whenever the Board, through the Director of Human Resources, or someone authorized in his/her absence, and/or the MRO suspects that there is a violation of the Charter School Drug-Free Workplace Substance Abuse Policy. The guidelines for determining reasonable suspicion, as noted above, will be followed.

I. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Director of Human Resources should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

J. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

K. Once the procedure has been completed, the employee should be transported back to the Director of Human Resources' office where the employee will be placed on administrative leave

with pay until the results of the tests are available and given instructions to call the Director of Human Resources each workday, before the normal reporting time for that employee, for further instructions.

L. If the employee refuses to sign the release or refuses to be tested by _____, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Director of Human Resources' office. The Director of Human Resources will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.

M. If the Director of Human Resources feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, the Director of Human Resources should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

N. In the event of positive test results, the MRO will contact the Director of Human Resources who will then review other records of the employee and contact the Principal to work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

O. Promotion and Transfer Testing - Once an employee has applied for a safety-sensitive position within the Charter School that requires drug and alcohol testing and has successfully completed the written and skills testing being administered for that job, then the employee is considered as one of the qualified applicants for the position and will be subject to the drug and alcohol testing procedures. Up to this point an applicant can withdraw from consideration for the position without sanctions. The Director of Human Resources will notify the employee on the day the testing is to be accomplished as to the time for the employee to be at the designated collection site. Since this testing will be done before or after the employee's normal working hours, the employee must be contacted before the end of that employee's shift. Employees should be tested as soon after their shift as possible.

P. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the Director of Human Resources the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

Q. 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, but greater than the level specified herein;
2. The employee refusing to provide a sample for testing purposes;
3. The employee altering or attempting to alter a test sample by adding a foreign substance; or
4. The employee submitted a sample that is not his/her own.

R. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Director of Human Resources in the event an employee refuses to test or does not show for testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will then review other records of the employee and contact the Principal to work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

S. Return to Duty Testing - This testing will apply when an employee who has been given an opportunity for rehabilitation for drugs and or alcohol is returned to duty. Prior to the employee coming back on the job, the employee must be examined by the MRO and a drug and/or alcohol test done which shows negative results. The Director of Human Resources may consult with the MRO and the rehabilitation program officials to determine an appropriate follow-up testing program following Board policy and prepare a follow-up program which will include, among other things, the appropriate period for testing as determined.

T. This Agreement must be signed by the employee before the employee is allowed to return to the job.

U. All testing done as a result of the above conditions will be conducted in accordance with the procedures contained herein for drug testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will contact the Principal to work out disciplinary procedures, if any, in accordance with Board policy and state law.

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

Employee Conduct

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

1. Illegal drugs

(1) Employees shall not engage in the illegal use of drugs at any time, and such use will not be tolerated. Further, employees on duty, or on Charter School property, or in attendance at

system-approved or school-related functions will not manufacture, distribute, dispense, possess, or use illegal drugs or drug paraphernalia, nor will they be under the influence of such drugs.

(2) An employee convicted of any criminal drug law shall notify the Charter School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the Charter School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

(3) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the Charter School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the Charter School's operations; the nature of the criminal offense; the nature of the employee's job with the Charter School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the Charter School.

2. Alcohol and Drugs

Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs, when abused over time or used in combination with one another, can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions:

(1) Employees on duty, or on Charter School property, or in attendance at system-approved or school-related functions must not be under any degree of intoxication or odor from alcohol. Employees shall not manufacture, sell, or use alcoholic beverages or possess open alcoholic beverage containers while on duty, or on Charter School property, or in attendance at system-approved or school-related functions.

(2) Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician and shall not use prescribed drugs for purposes other than those for which they are intended.

(3) An employee convicted of any criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs shall notify the Charter School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the Charter School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

(4) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the Charter School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the Charter School's operations; the nature of the criminal offense; the nature of the employee's job with the Charter School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the Charter School.

Physical Examination/Screening Based Upon Reasonable Suspicion

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

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

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

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

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

1. Chronic Case - Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or drugs may be reasonably suspected as the cause.

2. Acute Case - Appearing in a specific incident or observation to then 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.

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

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

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

Prior to substance screening, employees must sign an acknowledgment that the summary result will be transmitted to the Principal and the Charter School Director of Human Resources. Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in the Drug and Alcohol Abuse Testing Procedures contained in this policy. A breath analysis test will be performed by a certified Breath Alcohol Technician who is an employee of the Charter School.

Random Testing

1. All employees of the Charter School will have their names included in a pool of employees to be tested.
2. Employees will be randomly drawn from the pool.
3. All qualifying names will be in the pool at each drawing.
4. A minimum of at least 1% of employees in the pool will be tested for drugs and alcohol in every calendar year.
5. Testing will be done just prior to, during, or after performing a safety-sensitive function.
6. Sick leave or personal leave will not be charged against an employee who misses work while being tested.
7. Refusal to be tested under random testing will constitute a positive test result and will be cause for disciplinary action.

Promotion and Transfer Testing

When an employee applies for a position through the Charter School's selection process, the employee shall be subject to drug testing in accordance with the procedures contained in this policy before the employee will be considered a valid candidate for that job opening. An employee who tests positive for illegal drugs on a promotion/transfer test will no longer be considered an applicant for that position. Such employee will also be in violation of this policy. Violation of this policy will constitute grounds for immediate termination in accordance with Board policy and state law, where applicable.

An employee may withdraw the application for the position at any time up until the employee is scheduled for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if that employee refuses to submit to the test, he/she will be disqualified for consideration for the position and will be considered as being insubordinate and subject to discipline. Under no circumstances shall this employee be considered as a viable candidate for any future openings in this classification until the employee has signed a release for drug testing.

Post-Accident Testing

Drivers involved in a motor vehicle accident which involves either a fatality or the issuance of a citation for a moving violation to the Charter School employee (if operating a vehicle involved in the accident), will be tested for alcohol misuse and controlled substance abuse.

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

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

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

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

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

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

Opportunity to Contest or Explain Test Results

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

Return to Duty Testing

An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the Director of Human Resources. 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 Director of Human Resources is to review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The Director of Human Resources 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 Director of Human Resources more than one (1) time within a seventy-two (72) hour period.

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

Inspections

Employees may be assigned Charter School-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of the Charter School and personnel. Employees have no expectation of privacy in any of these locations nor 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, the Board may search the employee, the employee's locker, desk or other Charter School property under the control of the employee.

Whenever the Board reasonably suspects that an employee has sold, purchased, used or possessed alcohol, drugs or drug paraphernalia on Charter School premises, the Board may inspect the employee, the employee's locker, desk or other Charter School property under the control of the employee.

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

Refusal to Test

The following constitutes refusal to test:

1. Refusing to sign any of the following forms:
 - a. Statement that a copy of alcohol and controlled substance testing procedures and policy has been given.
 - b. Statement that alcohol and controlled substance testing procedures and policy has been explained.
 - c. Agreement to be tested according to the alcohol and controlled substance testing procedures and policy.
 - d. Refusal to provide pre-employment history of alcohol misuse and controlled substance abuse.
 - e. Failure to give permission to contact previous employers or approve the release of any alcohol and/or controlled substance test results involving said employee.

2. The following constitutes alcohol testing refusals:
 - a. Refusal by any employee to complete and sign the breath alcohol testing form.
 - b. Failure to provide adequate breath without a valid medical explanation in writing.
 - c. Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.

3. The following constitutes controlled substance testing refusals:
 - a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
 - b. Conduct that clearly obstructs testing procedures.
 - c. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing.

Charter School Action Upon Violation of Policy

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

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

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

Should Charter School employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Principal shall notify the appropriate state or federal agency from which the Charter School receives contract or grant

moneys of the employee's conviction, within ten (10) days after receiving notice of the conviction.



Legal Reference:

Federal Laws: PL 100-690, Title V, Subtitle D

PL 101-226, Title V, Subtitle D

Idaho Code: Section 33-513, 72-1701 through 72-1716

Drug Free Workplace Act of 1988

Employee Electronic Mail and On-Line usage

Policy Number: 5330

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

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

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

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



Cross Reference: 5290 Political Activity-Staff Participation

Legal Reference: Idaho Constitution Article VIII, Section 2
Idaho Attorney General Opinion No. 95-07
Board of County Commissioners v. Idaho Health Facilities Authority, 96 Idaho 498
(1975)

Evaluation of Certificated Personnel

Policy Number: 5340

Xavier Charter School has a firm commitment to performance evaluation of Charter School personnel, whatever their category and level, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development and in achieving school goals. The procedures outlined in this document apply to certificated personnel.

Objectives and Criteria

The formal performance evaluation system is designed to:

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

- Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions, disciplinary action, and termination.
- Assemble data for use as a guide in determining professional development opportunities and goals for individual employees and the collective certified staff.

Responsibility

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

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

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

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

Procedures

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

Periodic classroom observations will be included in the evaluation process.

Counseling Sessions: Counseling sessions between immediate supervisors and employees will be scheduled periodically. During these sessions, an open dialogue should occur which allows

the exchange of performance oriented information. The employee should be informed of his/her performance to date. In the case of derogatory comments, the employee should be informed of the steps necessary to improve performance to the desired level. Counseling sessions should include, but not be limited to, the following: job responsibilities, performance of duties and attendance. A memorandum for record will be prepared following each counseling session and maintained by the supervisor.

Category 1 Certificated Employees—Those certificated personnel hired on a limited one-year contract as provided in I.C. § 33-514A shall not be subject to the evaluation process.

Category 2 Certificated Employees—A “category 2” certificated employee as defined in I.C. § 33-514, shall be evaluated at least two (2) times during the contract year, with the first evaluation to be completed before January 1 of each year.

Category 3 Certificated Employees—A “category 3” certificated employee as defined in I.C. §33-514, shall be evaluated at least two (2) times during the contract year, with the first evaluation to be completed before January 1 of each year or prior to the beginning of the second semester of the school year, whichever is earlier.

Renewable Contract—Renewable contract employees as defined in I.C. § 33-515, shall be evaluated at least one annually.

Meeting with the Employee

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

- Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.
- Allow the employee to make any written comments he/she desires. Inform the employee that he/she may turn in a written response within 7 days. Have employee sign the evaluation form indicating that he/she has been given a copy and initial after supervisor’s comments.

Following the meeting, the supervisor will forward the original copy of the evaluation form in a sealed envelope, marked Personal-Evaluation Form to the Principal for review. The supervisor will also retain a copy of the completed form for the department and the employee.

Action

Should any action be taken as a result of an evaluation to not renew an individual's contract or to renew an individual's contract at a reduced rate, the Charter School will comply with the requirements and procedures established by State law.



Legal Reference: I.C. § 33-514	Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement
I.C. § 33-514A	Issuance of Limited contract
I.C. § 33-515	Issuance of Renewable Contracts
IDAPA 08.02.02.120	Local District Evaluation Policy

Resignations

Policy Number: 5350

Certified and classified personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and (2) until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Principal. The employee must make their request in writing to the Principal stating the reason(s) they wish to be released from their contract. The Board will not release any certificated employee from their contract until a suitable replacement can be secured.

Classified employees not under contract are expected to give due written notice that will permit the School to conduct a search for a suitable replacement. Generally speaking, the Board expects a two-(2)-week notice.

The Board specifically empowers the Principal to accept resignations when tendered, except where a certificated employee is asking for early release from their contract.

All resignations should be in writing. Where a resignation is made verbally, the school shall send a letter, within three working days, formalizing the acceptance of that employee's resignation.

Resignations shall be transmitted to the Board as part of the regular personnel report.

Employee Recommendation

Policy Number: 5355

At the request of a prospective employer, or at the request of the current or former employee, the Board of Directors or its administration may provide information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee. Neither the Board nor its administration may be held civilly liable for the disclosure or the consequences of providing the information, so long as the information was provided in good faith.

This school shall not maintain a blacklist, or notify any other employer that any current or former employee has been blacklisted by this school, for the purpose of preventing the employee from receiving employment.



Legal Reference:

I.C. § 44-201

Probation, Suspension, Termination of Certificated Employee

Policy Number: 5375

The Board of Directors recognizes that the Principal is the executive officer of the Board of Directors with such powers and duties that the Board may prescribe. The Principal shall act as the authorized representative of the School whenever such is required, unless some other person shall be named by the Board of Directors to act as its authorized representative. Therefore, the Board of Directors hereby delegates all powers of the Board, which have not been specifically reserved by statute or Board policy, to the Board of Directors.

The Board of Directors recognizes that Idaho Code grants the power to the Board of Directors to suspend, grant leave of absence, place on probation, or discharge certificated professional personnel for material violation of any lawful rules or regulations of the Board of Directors or of the State Board of Education or for any conduct which could constitute grounds for revocation of a teaching certificate. The Board recognizes that there are situations which arise concerning certificated employees which may require immediate suspension or leave of absence. Thus, the Board has determined that if the Principal or his/her designee determines there exists reasonable articulable suspicion to believe that a certificated employee has made a material violation of any lawful rule or regulation of the Board of Directors or of the State Board of Education, has engaged in conduct which could constitute grounds for revocation of a teaching certificate, or is the subject matter of an investigation where the presence of the certificated employee may

unduly influence or undermine a personnel investigation, the Principal or his/her designee shall have the authority to suspend with pay the certificated employee pending the next regularly scheduled Board meeting or ten (10) business days, whichever comes first.

A certificated employee may be placed on a "Plan of Improvement" by their immediate supervisor. The immediate supervisor shall provide the plan of improvement to the principal within 24 hours of providing the employee with their Plan of Improvement. The immediate supervisor shall recommend to the principal and board that the Plan of Improvement be approved and the employee be placed on probation at the next board meeting. The Plan of Improvement must be specific, measurable and for a time period not to exceed six weeks. If the employee has not met all of the requirements of the plan of improvement by the conclusion of the time period called for in the plan of improvement, the immediate supervisor shall write a new plan of improvement and submit it to the principal and the board for action. Nothing shall preclude the immediate supervisor to write a new plan of improvement and submit it to the principal or board for action. The process enunciated earlier in this policy shall again be followed. The employee may invoke the grievance procedure on these issues.

If the administration moves for termination of employment of the teacher, the process shall be conducted in accordance with State law. Notice of intent not to renew a contract shall be made in accordance with Idaho Code 33-514 and 33-515A.

The employee is entitled to due process and a hearing by the Board of Directors.

A notice of confirmation by the Board of the suspension shall be provided the employee, in writing, within forty-eight (48) hours and shall set forth reasons thereof. Proof of delivery must be obtained by the Principal.

If requested by the employee (**continuing contract or category 3 contract employee only**) within six (6) days following the receipt of confirmation of suspension, the Board shall hold a hearing within fifteen (15) days following the request thereof to consider the reinstatement or discharge of the employee; and shall, not less than six (6) days prior to date of said hearing, advise the employee of date, time and place of the hearing. The date provided for the hearing may be changed by mutual consent. The employee will be entitled to be represented by legal counsel. The hearing shall be in executive session of the Board unless the employee requests in writing that the hearing will be open to the public. The hearing will be informal and will be held in the School office or other suitable place.

The object of the hearing will be to ascertain the truth. Either party may produce, examine, and cross-examine witnesses.

The Chairperson of the Board, or designee, shall conduct the hearing and an electronic record shall be made of the complete hearing. A transcription of the complete record shall be provided upon request of either party with cost to be born by the requesting party. The Board Clerk shall prepare a brief summary of the material presented and a record of those in attendance who presented testimony.

Following the hearing, or if no hearing is requested, the Board shall discharge or reinstate the employee. No discharge shall carry an effective date prior to the date of the official action of discharge by the Board. The authorized representative of the Board shall within three (3) days notify the employee in writing of the decision of the Board.

Without limiting or otherwise interfering with any judicial review available to the employee, there is no basis in law for any review of the proceedings by the State Board of Education. All requests or notices shall be reduced to writing and shall be delivered by personal service or certified mail.



Legal Reference:

Idaho Code: 33-513, 33-514, 33-515A

Idaho Code 33-512, 33-513, 33-514A

Leaves of Absence

Policy Number: 5400

Sick Leave

Each employee shall be granted one (1) day of sick leave for each month of service. The school, 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.

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

Employees may accumulate up to one hundred twenty (120) days of unused sick leave.

For the purposes of retirement, the number of sick days accumulated will be the number of sick days earned by the employee with no maximum. Upon retirement, an employee's accumulated unused sick leave must be reported by the School to the public employee retirement system.

Bereavement Leave

An employee who has a death in the immediate family (defined as child, parent or sibling including grand, step or in-law) shall be eligible for bereavement leave up to five days.

Bereavement leave of greater than five (5) days must be approved by the Principal. Such leave shall not exceed ten (10) days, unless prescribed in writing by a physician. At the next board meeting the Principal shall report the situation to the board in closed session.

Personal Leave

Each employee may be granted, upon written request filed with the principal, four (4) days of personal leave, as defined by the employee's regular work day, at no cost to the employee. This leave may be taken for any reason deemed necessary by the employee. There will be one (1) day allowed to carry over to the next year with a maximum of five (5) days in any given year. After each full year of employment, compensation for days of personal leave not used by the employee will be paid by the District to the employee at the rate of 55% of the employee's regular daily rate.

Notice of at least one (1) week is required for any personal leave of less than one (1) week.

The Principal, 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 annual leave.

During any unpaid personal leave of greater than fifteen (15) days, the employee will not receive fringe benefits. During the leave, the employee may pay the School's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier.

Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

All Leaves

If leaves are to include expenses payable by the School, the leave approval will so state.

Leave will only be granted in units of half or full days.



Legal Reference:

42 USC 2000e Equal Employment Opportunities; I.C. § 33-1216 et seq.

Sick and other leave; I.C. § 33-1228 Severance allowance at retirement

Family Medical Leave

Policy Number: 5410

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

- 1) the birth of a child;
- 2) the placement of a child for adoption or foster care;
- 3) because of a serious health condition that makes the employee unable to perform the functions of the job; or
- 4) to care for the employee's spouse, child or parent with a serious health condition.

An employee is eligible to take FMLA leave if the employee has been employed for at least twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested.

Employees will be required to use all appropriate paid leave while on FMLA Leave.

Workers Compensation absences over five consecutive days will be designated FMLA Leave.

The Board has determined that the twelve (12) month period during which an employee may take FMLA leave shall be calculated on the school's fiscal year basis - July 1 to June 30.

At the discretion of the Principal, medical certification may be required to determine FMLA initial or continued eligibility as well as fitness for duty.



Legal Reference:

Family Medical Leave Act -- 29 CFR 825, 29 USC 2601, et seq.,

Sick Bank Leaves

Policy Number: 5414

Purpose

Each employee of the school may participate in this optional Sick Leave Bank; however, beginning membership shall be voluntary. To participate, each employee shall the individual's sick leave entitlement and cannot be returned whether used or not. These contributed sick leave days shall form a pool of sick leave days that upon the recommendation of the Sick Leave Bank committee, will be available to any eligible participating employee for his/her extended or recurring illness or injury which forces him/her to miss days from work which extend beyond that employee's accumulated sick leave.

Contribution

To participate in the Sick Leave Bank, each employee shall initially contribute a minimum of two (2) days of his/her accumulated sick leave to the Bank. These days will be deducted from his/her sick leave entitlement and cannot ever be returned whether used by any employee or not. Each subsequent year of the Bank's operation, the Sick Leave Bank committee shall determine the number of sick leave days contribute a minimum of two of his/her earned sick leave days. Sick leave days thus contributed shall be deducted from each participant must contribute in order to keep the bank solvent.

All employees will sign and return the Sick Leave Bank membership application within three (3) weeks of employment indicating whether he/she wants to join the Sick Leave Bank. Any

member who is granted days from the Sick Leave Bank must continue to contribute sick leave days at the prescribed level being contributed by joining members. Such members cannot drop out of the bank until:

- either he or she has paid in as many total sick leave days as used
- the sick leave bank is dissolved
- the employee terminates employment with the Xavier Charter School.

Membership for all other employees is voluntary. An employee may withdraw upon written notice to the Sick Bank committee. Part-time employees will contribute two (2) days equivalent to their part-time status within the school. (For example, a half-time employee would contribute two (2) one-half days or one (1) full day of sick leave to the bank in order to participate).

Application

Application for use of the Bank shall be submitted to the Principal no later than five (5) days after the employee returns back to school or if the employee is unable to return back to school, then no later than sixty (60) days after the employee is absent from work. The Sick Leave Bank committee shall review the request (within a reasonable amount of time) to determine the eligibility of the employee. If the committee deems necessary, it may require proof of illness at the time of application and from time to time after a grant has been made. Any grants for sick leave that are turned in to the Payroll Department after the tenth day of the month (the day that the School payroll cutoff day was set), shall be paid to the employee in the following month's paycheck.

Guidelines

The committee shall have the authority to establish such guidelines as it deems necessary to implement this program. After complete review of the application, the committee shall have the authority to make a final decision within the guidelines as to disposition of the case.

Eligibility

In order for an employee to be eligible for sick leave benefits from the Bank, the employee must first:

- Be a contributor to the Bank, and
- The reason for absence must be of an unavoidable nature. The following ARE NOT to be considered for eligibility:
 - A person choosing elective or cosmetic surgery
 - Maternity or paternity leave
 - Accidents or illness covered by Worker's Compensation
- Be absent from work due to personal illness or injury and;
 - All of his/her accumulated sick leave, personal leave, and vacation leave (if applicable) days are depleted.
 - Have had his/her salary deducted for one day of pay.

Maximum Days Granted

The maximum number of days that one employee may be granted in any fiscal year will be thirty (30) days. No employee shall be paid for more sick leave days extending beyond the remaining

number of days he/she is scheduled to work in that fiscal year. In no case will the granting of the leave cause an employee to receive a greater amount of pay from the School, plus Social Security disability and private disability insurance payments than his/her salary for that year. When an employee received Social Security disability payments or private disability payments due to illness or injury, his/her pay from the School will be reduced by the amount received from these other sources if the employee is also using Sick Leave Bank days. No employee shall be granted more sick leave days than the total number of days he/she is absent from work due to illness or accident. In no case shall an employee be granted more than a total of one hundred (100) days from the Sick Leave Bank for all illnesses or disabilities during his/her total years of employment with the Xavier Charter School.

The maximum total number of days used from the Xavier Charter School Sick Leave Bank shall never exceed more than five hundred (500) days for all employees during any one school year. After the bank has accumulated three hundred (300) days, members of the Bank will not be required to contribute further days. New members desiring to join would participate by following the plan as outlined under the Contribution section of this document. If the Sick Leave Bank is exhausted during a fiscal year, no additional days may be added until the following fiscal year. Therefore, all grants may be terminated and all further applications may be denied for that fiscal year.

Excess Days

Sick Bank grants to individual employees will not be carried over from one fiscal year to another. All such grants end at the fiscal year. If an employee does not use all of the days granted by the Bank, the unused sick leave days will be returned to the Bank.

Committee

The Sick Leave Bank Committee shall consist of five (5) people, who are as follows:

- Two (2) members appointed by the teachers (one elementary and one secondary)
- One (1) member from the Administrative / Supervisory staff, appointed by the Principal
- Two (2) classified employees appointed by the classified staff

The minutes / notes and all decisions will be recorded. The committee shall develop and distribute the rules and procedures for the orderly administration of the Bank. The Committee shall also be responsible for reporting in a timely manner to the School business office the name of contributors and the number of days contributed. The committee shall be responsible for reporting in a timely manner all days granted to any employee by the Sick Leave Bank and any other necessary information necessary to maintain an adequate accounting of the operation. The actual accounting for the Sick Leave Bank will be done by the School Office staff, and the records will be kept in the School Office.

All members of the Committee must be present in order for the committee to consider applications for grants or conduct other regular business. The meetings will be scheduled and chaired by the Principal or designated representative. An applicant's application may be processed by phone by the committee if the application is:

- Routine

- Clearly within this policy
- All supporting documentation is in place.

The Committee shall have the authority to make final decisions within the established guidelines as to the disposition of each case brought before it.

Insurance Benefits for Employees/Board of Directors

Policy Number: 5430

Newly hired certificated employees will be eligible for insurance benefits offered by the School. Certificated staff who work ½ time on a basis other than temporary are entitled to ½ benefits. Classified employees who work **1,000 – 1,499** hours or more per **year** shall be entitled to ½ benefits. Classified employees who work **1,500** hours or more per **year** shall be entitled to **full** benefits. The insurance benefits will be the same for classified, certificated and administrative staff in the school.

An active Director on the School Board will be allowed to participate in the School's group health insurance program provided that any trustee who desires to participate in such program shall pay the monthly premium to the School ten (10) days in advance of the School's premium payments to the insurance carrier. Should any trustee fail to make premium payments as set forth herein, his/her insurance coverage will be cancelled automatically.



Legal Reference:

I.C. § 33-517A School schools Non-certificated employees – Group health insurance; I.C. § 67-5763 Governmental body authorized to make contracts for group insurance for officers and employees

Prevention of Disease Transmission

Policy Number: 5610

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

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

Substitutes

Policy Number: 5700

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

The state department of education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list the substitute teacher shall undergo a criminal history check every five (5) years.

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

The Board annually establishes a daily rate of pay for substitute teachers. Subject to the terms of a current collective bargaining agreement, no fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour.



Cross Reference: 5110

Criminal History / Background Checks

Legal Reference: I.C. § 33-130

Criminal history checks for school district employees or applicants for certificates

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

Teachers' Aides/Paraeducators

Policy Number: 5710

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

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

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties, that are newly hired in a Title I school-wide program, to have:

1. Completed at least two (2) years of study at an institution of higher education;
2. Obtained an Associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

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

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



Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Volunteers/Contractors

Policy Number: 5720

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

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

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

Volunteers who have unsupervised access to children may be subject to the School’s policy mandating criminal background checks, fingerprinting and drug/alcohol screening.

In order to maintain a safe environment for the students of Xavier, the names of all contractors (including subcontractors) who perform work on school property may be required by the School in advance of performing work on school property. The names of contractors and their employees will be checked against the statewide sex offender register and any contractor or contractor's employee who is listed on such registry will not be allowed to perform work on school property.



Legal Reference:

I.C. § 33-512 Governance of schools

Volunteers Authorization to Release Information

Policy Number: 5730

AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

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

This document is effective until revoked in writing by me.

SIGNATURE

DATE

Print Full Name: _____

Print Full Address: _____

Birthdate

Social Security Number

(STATE OF IDAHO)

: ss.

(County of _____)

On this ____ day of _____, 200_, before me, a notary public of the State of Idaho, personally appeared _____, known to me to be the person named in the foregoing Release, and acknowledged to me that _____ executed the same as _____ free act and deed, for the uses and purposes therein mentioned.

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

Notary Public, State of Idaho

County of _____

My commission expires _____

Positive Time Reporting Policy

Policy Number: 5750

Many programs administered by Xavier Charter School are funded through federal sources and are obligated to meet federal guidelines in order to qualify. If federal funds are used for an employee's salary, the employee is required to record time spent working on a federal program on their timesheet as hours worked through means of "positive time reporting". "Positive time reporting" is recording the *actual* time spent working on a set of activities which are applicable and allowable under the terms and conditions of the funding source.

Any vacation, sick leave, compensatory time taken, holiday pay, or other non-worked pay will be distributed according to the default index(es) assigned to the employee's position.

A quarterly review and reconciliation can be performed to ensure time is being charged appropriately.

Employee Responsibility

Employees are responsible to correctly charge actual time worked to the appropriate funding source(s) associated with any federal programs. Employees will work with their supervisor and/or SDE Accounting staff to determine correct index(es) to use on their timesheet.

Supervisor Responsibility

Supervisors are required each pay period to verify hours were actually spent working directly on the federal or other programs, and correct index(es) were used in coding the timesheet.

Program Coordinator/Director Responsibility

The Program Coordinator or Director will discuss program needs with their Supervisor. Coordinators/Directors will closely monitor activities, expenses and revenue of their program and report any deficiencies to their Supervisor and Accounting. It is the responsibility of the Program Coordinator/Director/or designee to inform Accounting when a funding source has been exhausted, and if a new index code needs to be established due to rollover into new fiscal year funds or the award of an entirely new federal grant.



Legal Reference:

Adopted Date:

Amended/Revised:

Classified Employment and Assignments

Policy Number: 5800

Classified employees are those non-certificated employees employed by the school, or personnel hired in positions which do not require certification. With the exception of those classified employees hired for a stated specified time, all classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason (so long as the same does not violate public policy or violate any other provision of law). Such at-will designation will be included in all job descriptions as mandated by I.C. §33-517 and in written contracts, should the same be implemented by the School. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written contract shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the School so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by the School. The School reserves the right to change employment conditions affecting the employee’s duties, assignment, supervisor or grade. The Board shall determine the salary and wages for classified personnel.

The Principal shall be the person responsible for hiring, firing, disciplining, suspending, and any other action related to the employment of said classified employee, subject to right of grievance set forth in Idaho Code § 33- 517. The Board reserves the right to review and change the decision of the Superintendent if the Board disagrees with the resolution of any employment issue

The grievance procedure for classified employees shall be the procedure set forth in I.C. §33-517. Classified employees may file a written grievance alleging unfair treatment or a violation of Xavier School policy. However; neither the rate of pay, job description nor the decision to terminate an employee during the initial 180 days of employment are issues subject to the grievance procedure.



Legal Reference:

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

Compensatory Time and Overtime/Classified Employees

Policy Number: 5810

Classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1½) times the normal hourly rate unless the School and the employee agree to the provisions of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any work week.

If compensation time is selected, it must be used within the pay period earned or it will be paid in compensation.

No overtime is authorized for any classified employee without the specific written approval of the supervisor in consultation with the principal

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

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



Legal Reference:

29 USC 201, et seq. Fair Labor Standards Act

Evaluation of Non-Certificated Staff

Policy Number: 5820

The School has a firm commitment to performance evaluation of School personnel, whatever their category and level, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development and in achieving School goals. The procedures outlined in this document apply to non-certificated personnel.

Each non-certified staff member's job performance shall be evaluated by the staff member's direct supervisor at least once a year. For new employees, they shall be evaluated after their first six months of employment. The evaluation process includes scheduled evaluations on forms applicable to the job classification and description, and day-to-day appraisals.

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



Legal Reference:

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

Staff Involvement in Decision Making

Policy Number: 5900

The Board encourages employee participation in decision making for the School. With the aid of professional and non-professional employees, the Principal shall formulate channels (a building advisory committee) for the ready communication of ideas regarding the operation of the schools. The Principal shall inform the Board of any recommendations in presenting reports of administrative action and recommendations for Board action. The Principal shall include in the development of rules, regulations, and arrangements for the operation of the school system, whenever feasible, those employees who will be affected by such provisions.

School Board Staff Relationship

The Principal shall transmit all communications from the Board to the instructional staff, administrative staff, and non-instructional staff. The Principal shall transmit communications from all staff members to the Board.