**2015-16**

**IMBODEN AREA CHARTER SCHOOL**

**LEA #38-40-700**

# LICENSED PERSONEL POLICIES

**3.1— LICENSED PERSONNEL SALARY SCHEDULE**

Years Experience BA Degree Salary MA Degree Salary

0 $30,122 $34,640

1 $30,572 $35,140

2 $31,022 $35,640

3 $31,472 $36,140

4 $31,922 $36,640

5 $32,372 $37,140

6 $32,822 $37,640

7 $33,272 $38,140

8 $33,722 $38,640

9 $34,172 $39,140

10 $34,622 $39,640

11 $35,072 $40,140

12 $35,522 $40,640

13 $35,972 $41,140

14 $36,422 $41,640

15 $36,872 $42,140

State law requires each school to include its teacher salary schedule, including stipends and other materials benefits, in its written peersonnel policies unless the school recognizes a teachers’ union in its policies for, among other things, the negotiation of salaries. In developing the salary schedule, the school will establish a normal base contract period for teachers. The School is required to post the salary schedule on its website by September 15 of each year and should place an obvious hyperlink, button, or menu item on the website’s homepage that links directly to the current year lecensed policies and salary schedule.

For the purposes of the salary schedule a teacher will have worked a “year” if he/she works at least 160 days.Only whole years of teaching experience (160 days) will be accepted for determining placement on the salary schedule.

Schools shall distribute funding for health insurance coverage in accordance with state law, the Affordable Care Act, and policy 7.23‑Health Care Coverage and the Affordable Care Act. The School reserves the right to adjust the monthly distribution as necessary to account for changes in staffing, student population, and the ADE determination of the funding required to be distributed based on the funding matrix. Specifically, the amount distributed to each employee is NOT part of their salary and is NOT guaranteed to be the same from month-to-month or year-to-year.

Licensed personnel may bring in up to 15 years experience from any school district in the state of Arkansas for initial placement on the salary schedule. For each additional year after 15, 1% of the base salary will be added to the last placement on the salary schedule.

Assistant Director will be paid $5000.00 annually to assume 1/4th of the duties of the Director.

After school tutoring teachers will be payed an hourly rate based upon 1.5 times the hourly rate for step 1, category 1 of the salary schedule.

Contracts will be issued on a semester basis, and licensed personnel will be paid in 12 monthly checks according to salaries determined by the salary schedule.

For the purposes of this policy, a master’s degree or higher is considered “relevant to the employee’s position” if it is related to education, guidance counseling, or the teacher’s content area and has been awarded for successful completion of a program at the master’s level or higher by an institution of higher education accredited under Arkansas statutory requirements applicable at the time the degree was awarded.

Teachers who have earned a master’s degree in an area that is considered relevant to the employee’s position as defined in this policy are responsible for reporting and supplying a transcript to ­­­the Director. The appropriate salary increase will be reflected in the next paycheck provided it is at least two weeks from the time the notice and documentation is delivered. All salary changes will be on a “go forward” basis, and no back pay will be awarded.

Arkansas Professional Pathway to Educator Licensure (APPEL) Program

Each employee newly hired by the school to teach under the Arkansas Professional Pathway to Educator Licensure (APPEL) Program shall initially be placed on the salary schedule in the category of a bachelor’s degree with no experience, unless the APPEL program employee has previous teaching experience which requires a different placement on the schedule. Upon receiving his/her initial or standard teaching license, the employee shall be moved to the position on the salary schedule that corresponds to the level of education degree earned by the employee which is relevant to the employee’s position. Employee’s degrees which are not relevant to the APPEL program’s position shall not apply when determining his/her placement on the salary schedule. A teacher with a non-traditional provisional license shall be eligible for step increases with each successive year of employment, just as would a teacher possessing a traditional teaching license.

Licensed employee, seeking additional area or areas of licensure

Licensed employees who are working on an alternative licensure plan (ALP) to gain licensure in an additional area are entitled to placement on the salary schedule commensurate with their current license, level of education degree and years of experience. Degrees which are not relevant to the employee’s position shall not apply when determining his/her placement on the salary schedule.

Cross Reference: Policy 1.9 – POLICY FORMULATION

Legal References: A.C.A. 6-17-201, 202, 2402, 2403

A.C.A. 6-20-2305(f)(4)

ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

Date Adopted: September 3, 2002

Last Revised: August 5, 2014

**3.2—LICENSED PERSONNEL EVALUATIONS**

**Definitions**

"Probationary teacher" has the same definition as A.C.A. § 6-17-1502.

"Teacher" has the same definition as A.C.A. § 6-17-2803(19).

**Teachers**

Teachers will be evaluated under the provisions and timelines of the Teacher Excellence and Support System (TESS).

The Director shall develop procedures to govern the evaluation process and timelines for the evaluations.

Teachers will be evaluated under the schedule and provisions required by TESS. Each school-year, the school will conduct a summative evaluation over all domains and components on all probationary teachers as well as any teacher currently on an "intensive support" improvement plan or who has successfully completed intensive support or participated in an improvement plan during the current or previous school-year. All teachers not covered in the previous sentence will have a summative evaluation over all domains and components at least once every four (4) years. To establish the initial four-year rotation schedule for non-probationary teachers to be summatively evaluated, at least one-quarter of each school's non-probationary teachers will be selected for evaluation by random draw with a majority of the teachers present.

All teachers shall develop a Professional Growth Plan (PGP) annually that must be approved by the director. If there is disagreement between a teacher and the director concerning the PGP, the decision of the director shall be final.

In an interim appraisal year, the teacher's annual performance rating will be derived from the average score of the components that align with the teacher's PGP.

In a summative evaluation year, the teacher's annual overall rating will be derived from both the teacher's performance rating and the applicable student growth measure as defined in the Arkansas Department of Education (ADE) TESS Rules.

While teachers are only required to be summatively evaluated once every four-years, the director may conduct a summative evaluation in any year.

In addition to a teacher's summative evaluation, the director shall conduct interim teacher appraisals during the year to provide a teacher with immediate feedback about the teacher’s teaching practices; engage the teacher in a collaborative, supportive learning process; and help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments.

The Director may also conduct informal classroom observations during the year for the same purpose as a formal classroom observation but that are of shorter duration and are unannounced.

Legal References: A.C.A. § 6-17-1501 et seq.

A.C.A. § 6-17-2801 et seq.

ADE Rules Governing the Teacher Excellence and Support System

ADE Rules Governing the Leader Excellence and

Development System (LEADS)

Date Adopted: September 3, 2002

Last Revised: May 19, 2015

**3.3—EVALUATION OF LICENSED PERSONNEL BY RELATIVES**

No person shall be employed in, or assigned to, a position which would require that he/she be evaluated by any relative, by blood or marriage, including spouse, parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, or first cousin.

Date Adopted: September 3, 2002

Last Revised:

**3.4—LICENSED PERSONNEL REDUCTION IN FORCE**

The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the school as determined by the Director.

In effecting a reduction in force, the primary goals of the school shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards of Accreditation for Arkansas Public Schools and/or the North Central Association; and the needs of the school. A reduction in force will be implemented when the Director determines it is advisable to do so and shall be effected through non-renewal, termination, or both.  Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the school, and by examining the staffing of the school in each licensure area and/or, if applicable, specific grade levels.

If a reduction in force becomes necessary in a licensure area or specific grade level(s), the RIF shall be conducted for each licensure area and/or specific grade level on the basis of each employee’s points as determined by the schedule contained in this policy. The teacher with the fewest points will be non-renewed or terminated off first.  In the event of a tie between two or more employees, the teacher(s) shall be retained whose name(s) appear first in the board’s minutes of the date of hire. There is no right or implied right for any teacher to “bump” or displace any other teacher. Being employed fewer than 160 days in a school year shall not constitute a year. It is each teacher’s individual responsibility to ensure his/her point totals are current in school files.

###### Points

Volunteers who wish to terminate their positions will be accepted first. If there are no volunteers, the employee with the fewest points will be laid off first.

* Years of service in the school—1 point per year

All licensed position years in the school count including non-continuous years. Service in any position not requiring teacher licensure does not count toward years of service. Being employed fewer than 160 days in a school year shall not constitute a year.

* Graduate degree in any area of licensure in which the teacher will be ranked (only the highest level of points apply)

1 point – Master’s degree

2 points – Master’s degree plus thirty additional hours

3 points – Educational specialist degree

4 points – Doctoral degree

* National Board of Professional Teaching Standards certification – 3 points
* Additional academic content areas of endorsement as identified by the State Board—1 point per area
* Licensure for teaching in a State Board identified shortage area—2 points
* Multiple areas and/or grade levels of licensure as identified by the State Board—1 point per additional area or grade level as applicable. For example, a P-4 license or a 5-8 social studies license is each worth one point.

When the school is conducting a RIF, all potentially affected teachers shall receive a listing of licensed personnel with corresponding point totals. Upon receipt of the list, each teacher has ten (10) working days within which to appeal his or her assignment of points to the Director whose decision shall be final. Except for changes made pursuant to the appeals process, no changes will be made to the list that would affect a teacher’s point total after the list is released.

A teacher with full licensure in a position shall prevail over a teacher with greater points but who is lacking full licensure in that subject area. “Full licensure” means an initial, or standard, non-contingent license to teach in a subject area or grade level, in contrast with a license that is provisional, temporary, or conditional on the fulfillment of additional course work or passing exams or any other requirement of the Arkansas Department of Education, other than the attainment of annual professional development training.

No credit for years of service will be given at other public or private schools, or for higher education or Educational Service Cooperative employment.

##### RECALL

There shall be no right of recall for any teachers.

Legal Reference: A.C.A. § 6-17-2407

Date Adopted: September 3, 2002

Last Revised: March 26, 2013

**3.5— LICENSED PERSONNEL CONTRACT — RETURN**

An employee shall have thirty (30) days from the date of the receipt of his/her contract for the following school year in which to return the contract, signed, to the office of the Director. The date of receipt of the contract shall be presumed to be the date of a cover memo that will be attached to the contract.

Failure of an employee to return the signed contract to the office of the Director within thirty (30) days of the receipt of the contract shall operate as a resignation by the employee. No further action on the part of the employee, the Director, or the School Board shall be required in order to make the employee’s resignation final.

Legal Reference: A.C.A. § 6-17-1506 (c) (1)

Date Adopted: September 3, 2002

Last Revised:

**3.6—LICENSED PERSONNEL EMPLOYEE TRAINING**

For the purposes of this policy, professional development (PD) means a set of coordinated, planned learning activities for school employees who are required to hold a current llicense issued by the State Board of Education as a condition of employment that:

* Is required by statute or the Arkansas Department of Education (ADE); or
* Meets the following criteria:
  + Improves the knowledge, skills, and effectiveness of teachers;
  + Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies and methods;
  + Leads to improved student academic achievement; and
  + Is researched-based and standards-based.

All employees shall attend all local (PD) training sessions as directed by the Director.

The school shall develop and implement a professional development plan (PDP) for its licensed employees. The school’s PDP shall, in part, align school resources to address the PD activities identified in each school’s Arkansas Comprehensive School Improvement Plan (ACSIP) and incorporate the licensed employee’s PDP. The plan shall describe how the school’s categorical funds will be used to address deficiencies in student performance and any identified academic achievement gaps between groups of students. At the end of each school year, the school shall evaluate the PD activities’ effectiveness in improving student performance and closing achievement gaps.

Each licensed employee who is on a 190 day contract shall receive a minimum of thirty- six (36) hours of PD annually to be fulfilled between July 1 and June 30; the School may require a licensed employee to receive more PD than the minimum when necessary to complete the licensed employee’s PDP. All licensed employees are required to obtain thirty six (36) hours of approved PD each year over a five-year period as part of their licensure renewal requirements. PD hours earned in excess of each licensed employee's required number of hours in the designated year cannot be carried over to the next year.

Licensed employees who are prevented from obtaining the required PD hours due to their illness or the illness of an immediate family member as defined in A.C.A. § 6-17-1202 have until the end of the following school year to make up the deficient hours. Missed hours of PD shall be made up with PD that is substantially similar to that which was missed and can be obtained by any method, online or otherwise, approved by ADE. This time extension does not absolve the employee from also obtaining the following year’s required hours of PD. Failure to obtain required PD or to make up missed PD could lead to disciplinary consequences, up to termination or nonrenewal of the contract of employment.

The goal of all PD activities shall be improved teaching and learning knowledge and skills that result in individual, team, and school-wide improvement designed to ensure that all students demonstrate proficiency on the state’s academic standards. The School’s PD plan shall be research-based and standards-based and in alignment with applicable ADE Rules and/or Arkansas code.

Teachers, administrators, and paraprofessionals shall be involved in the design, implementation, and evaluation of the plan for their own PD offerings. The results of the evaluation made by the participants in each program shall be used to continuously improve the School’s PD offerings and to revise the school improvement plan.

Flexible PD hours (flex hours) are those hours which an employee is allowed to substitute PD activities, different than those offered by the School, but which is still aligned to the employee’s Individual Improvement Plan, Professional Growth Plan, or the school’s ACSIP. The School shall determine on an annual basis how many, if any, flex hours of PD it will allow to be substituted for School-scheduled PD offerings. The determination may be made at an individual building, a grade, or by subject basis. The Director has the authority to require attendance at specific PD activities. Employees must receive advance approval from the Director for activities they wish to have qualify for flex PD hours. To the fullest extent possible, PD activities are to be scheduled and attended such that teachers do not miss their regular teaching assignments. Six (6) approved flex hours credited toward fulfilling the licensed employee's required hours shall equal one contract day. Hours of PD earned by an employee that is not at the request of the School and is in excess of the employee's required hours, or not pre-approved by the Director, shall not be credited toward fulfilling the required number of contract days for that employee.Hours earned that count toward the licensed employee's required hours also count toward the required number of contract days for that employee. Employees shall be paid their daily rate of pay for PD hours earned at the request of the School that necessitate the employee work more than the number of days required by their contract.

Teachers who, for any reason, miss part or all of any scheduled PD activity they were required to attend, must make up the required hours in comparable activities which are to be pre-approved by the Director.

To receive credit for his/her PD activity each employee is responsible for obtaining and submitting documents of attendance, or completion for each PD activity he/she attends. Documentation is to be submitted to the Director. The School shall maintain all documents submitted by its employees that reflect completion of PD programs, whether such programs were provided by the School or an outside organization.

To the extent required by ADE Rules, employees will receive up to six (6) hours of educational technology professional development that is integrated within other professional development offerings including taking or teaching an online or blended course.

The following PD shall count toward a licensed employee's required PD hours to the extent the School's or school's PD plan includes such training, is approved for flex hours, or is part of the employee's PDP and it provides him/her with knowledge and skills for teaching:

* Students with intellectual disabilities, including Autism Spectrum Disorder;
* Students with specific learning disorders, including dyslexia;
* Culturally and linguistically diverse students;
* Gifted students.

Beginning in the 2013-14 school-year and every fourth year thereafter, all mandated reporters and licensed personnel shall receive two (2) hours of PD related to child maltreatment required under A.C.A. § 6-61-133(d)(e)(2). For the purposes of this training, "mandated reporters" includes school social workers, psychologists, and nurses.

Beginning in school-year 2014-15 and every fourth year thereafter, teachers shall receive two (2) hours of PD designed to enhance their understanding of effective parental involvement strategies.

Beginning in school-year 2014-15 and every fourth year thereafter, administrators shall receive two (2) hours of PD designed to enhance their understanding of effective parental involvement strategiesand the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation.

Beginning in the 2015-16 school-year and every fourth year thereafter, all licensed personnel shall receive two (2) hours of PD in teen suicide awareness and prevention which may be obtained by self-review of suitable suicide prevention materials approved by ADE.

Beginning in the 2016-17 school-year and every fourth year thereafter, teachers who provide instruction in Arkansas history shall receive at least two (2) hours of PD in Arkansas history as part of the teacher's annual PD requirement.

Anticipated rescuers shall receive training in cardiopulmonary resuscitation and the use of automated external defibrillators as required by ADE Rule. Such training shall count toward the required annual hours of PD.

At least once every three (3) years, persons employed as athletic~~s~~ coaches shall receive training related to the recognition and management of concussions, dehydration, or other health emergencies as well as students’ health and safety issues related to environmental issues and communicable diseases. The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

All licensed personnel shall receive training related to compliance with the School’s antibullying policies.

For the Director, the thirty six (36) hour PD requirement shall include training in data disaggregation, instructional leadership, and fiscal management. This training may include the Initial, Tier 1, and Tier 2 training required for Superintendents and other designees by ADE’s Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

The Director shall complete the credentialing assessment for the teacher evaluation PD program prior to conducting any summative teacher evaluations.

Teachers' PD shall meet the requirements prescribed under the Teacher Evaluation Support System (TESS).

By the end of the 2014-15 school-year, teachers shall have received professional awareness on the characteristics of dyslexia and the evidence-based interventions and accommodations for dyslexia.

Teachers required by the Director to take approved training related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall receive up to thirty (30) hours of credit toward the hours of PD required annually.

Licensed personnel may earn up to twelve (12) hours of PD for time they are required to spend in their instructional classroom, office or media center prior to the first day of student/teacher interaction **provided** the time is spent in accordance with state law and current ADE rules that deal with PD. The hours may be earned through online PD approved by the ADE provided the PD relates to the district’s ASCIP and the teacher’s professional growth plan. Licensed personnel who meet the requirements of this paragraph, the associated statute, and ADE Rules shall be entitled to one hour of PD for each hour of approved preparation.

Licensed personnel shall receive five (5) PD hours for each one- hour undergraduate or graduate level college course that meets the criteria identified in law and applicable ADE rules. A maximum of fifteen (15) such hours may be applied toward the thirty six (36) hours of PD required annually for license renewal.

Employees who do not receive or furnish documentation of the required annual PD jeopardize the accreditation of their school and academic achievement of their students. Failure of an employee to receive his/her required annual hours of PD in any given year, unless due to illness as permitted by law, ADE Rule, and this policy, shall be grounds for disciplinary action up to and including termination.

Approved PD activities may include:

* Conferences/workshops/institutes;
* Mentoring/peer coaching;
* Study groups/learning teams;
* National Board for Professional Teaching Standards Certification;
* Distance and online learning (including ArkansasIDEAS;
* Internships;
* State,/district /school programs;
* Approved college/university course work;
* Action research; and
* Individually guided (to be noted in the employee's PDP).

Approved PD activities that occur during the instructional day or outside the licensed employee's annual contract days may apply toward the annual minimum PD requirement.

PD activities shall relate to the following areas:

* Content (K-12);
* Instructional strategies;
* Assessment/data-driven decision making;
* Advocacy/leadership/fiscal management;
* Systemic change process;
* Standards, frameworks, and curriculum alignment;
* Supervision; mentoring/peer coaching;
* Next generation learning/integrated technology;
* Principles of learning/developmental stages/diverse learners;
* Cognitive research;
* Parent involvement/academic planning and scholarship;
* Building a collaborative learning community;
* Student health and wellness; and
* The Code of Ethics for Arkansas Educators.

Additional activities eligible for PD credit, as included in the school, and licensed employee's PDP, include:

* School Fire Marshall program (A.C.A. § 6-10-110);
* Tornado safety drills (A.C.A. § 6-10-121);
* Literacy assessments and/or mathematics assessments (A.C.A. § 6-15-420);
* Test security and confidentiality (A.C.A. § 6-15-438);
* Emergency plans for terrorist attacks (A.C.A. § 6-15-1302);
* Teacher Excellence and Support System (A.C.A. § 6-17-2806);
* Student discipline training (A.C.A. § 6-18-502);
* Student Services Program (A.C.A. § 6-18-1004);
* Training required by ADE under academic, fiscal and facilities distress statutes and rules; and
* Annual active shooter drills (6-15-1303).

Cross-References: Policy 3.50—ADMINISTRATOR EVALUATOR CERTIFICATION

Policy 4.37—EMERGENCY DRILLS

Legal References: Arkansas State Board of Education: Standards of Accreditation 15.04

ADE Rules Governing Professional Development

ADE Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements

A. C.A. § 6-10-121

A. C.A. § 6-10-122

A. C.A. § 6-10-123

A.C.A. § 6-15-404(f)(2)

A.C.A. § 6-15-420

A.C.A. § 6-15-426(f)(g)(h)

A.C.A. § 6-15-438

A.C.A. § 6-15-1004(c)

A.C.A. § 6-15-1302

A.C.A. § 6-15-1303

A.C.A. § 6-15-1703

A.C.A. § 6-16-1203

A.C.A. § 6-17-703

A.C.A. § 6-17-704

A.C.A. § 6-17-708

A.C.A. § 6-17-709

A.C.A. § 6-17-2806

A.C.A. § 6-17-2808

A.C.A. § 6-18-502(f)

A.C.A. § 6-18-514(f)

A.C.A. § 6-20-2204

A.C.A. § 6-20-2303 (15)

A.C.A. § 6-41-608

A.C.A. § 6-61-133

Date Adopted: September 3, 2002

Last Revised: May 19, 2015

**3.7— LICENSED PERSONNEL BUS DRIVER DRUG TESTING**

**Scope of Policy**

Each person hired for a position that allows or requires the employee operate a school bus shall meet the following requirements:

1. The employee shall possess a current commercial vehicle drivers license for driving a school bus;
2. Have undergone a physical examination, which shall include a drug test, by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certificate of school bus driver in service training.

Each person’s initial employment for a job entailing a safety sensitive function is conditioned upon the district receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee’s signing an authorization for the request for information by the school from the Commercial Driver Alcohol and Drug Testing Database.

**Methods of Testing**

The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory certified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities. (“Mandatory Guidelines for Federal Workplace Drug Testing Programs”).

**Definitions**

“Safety sensitive function” includes:

1. All time spent inspecting, servicing, and/or preparing the vehicle;
2. All time spent driving the vehicle;
3. All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
4. All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“School Bus” is a motorized vehicle that meets the following requirements:

1. Is designed to carry more than ten (10) passengers;
2. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the School; and
3. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

**Requirements**

Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:

1. Random tests;
2. Testing in conjunction with an accident;
3. Receiving a citation for a moving traffic violation; and
4. Reasonable suspicion.

## Prohibitions

* 1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
  2. No driver shall use alcohol while performing safety-sensitive functions;
  3. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
  4. No driver required to take a post-accident alcohol test under #2 below shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
  5. No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
  6. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner who, with knowledge of the driver’s job responsibilities, has advised the driver that the substance will not adversely affect the driver’s ability to safely operate his/her vehicle. It is the employee’s responsibility to inform his/her supervisor of the employee’s use of such medication;
  7. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

**Testing for Cause**

Drivers involved in an accident in which there is a loss of another person’s life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved:

1. bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident,
2. one or more motor vehicles incur disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

**Refusal to Submit**

Refusal to submit to an alcohol or controlled substance test means that the driver

* Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
* Failed to remain at the testing site until the testing process was completed;
* Failed to provide a urine specimen for any required drug test;
* Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;
* Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
* Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
* Failed to cooperate with any of the testing process; and/or
* Adulterated or substituted a test result as reported by the Medical Review Officer.

School bus drivers should be aware that refusal to submit to a drug test when the test is requested based on a reasonable suspicion can constitute grounds for criminal prosecution.

**Consequences for Violations**

Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety-sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.

Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulable observations concerning the behavior, speech, or body odors of the driver. The Director shall require the driver to submit to “reasonable suspicion” tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Director shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver’s removal from duty.

If the results for an alcohol test administered to a driver is equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period not less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

Legal Reference: A.C.A. § 6-19-108

A.C.A. § 6-19-119

A.C.A. § 27-51-1504

A.C.A. § 27-23-201 et seq.

49 C.F.R. § 382.101 – 605

49 C.F.R. § part 40

49 C.F.R. § 390.5

Arkansas Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers

Date Adopted: September 3, 2002

Last Revised: February 3, 2015

**3.8—LICENSED PERSONNEL SICK LEAVE**

**Definitions**

1. “Employee” is a full-time employee of the School.
2. “Sick Leave” is absence from work due to illness, whether by the employee or a member of the employee’s immediate family, or due to a death in the family. The Director shall determine whether sick leave will be approved on the basis of a death outside the immediate family of the employee.
3. “Excessive Sick Leave” is absence from work , whether paid or unpaid, that exceeds twelve (12) days in a contract year for an employee and that is not excused pursuant to: School policy; the Family Medical Leave Act; a reasonable accommodation of disability under the American’s With Disabilities Act; or due to a compensable Workers’ Compensation claim.
4. “Grossly Excessive Sick Leave” is absence from work, whether paid or unpaid, that exceeds 10% of the employee’s contract length and that is not excused pursuant to: District policy; the Family Medical Leave Act; a reasonable accommodation of disability under the American’s With Disabilities Act; or due to a compensable Workers’ Compensation claim.
5. “Current Sick Leave” means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per contracted month or major part thereof.
6. “Accumulated Sick Leave” is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contract, but not used. Accumulated sick leave also includes the sick leave transferred from an employee’s previous public school employment.
7. “Immediate family” means an employee’s spouse, child, parent, or any other relative provided the other relative lives in the same household as the teacher.

**Sick Leave**

The Director has the discretion to approve sick leave for an employee to attend the funeral of a person who is not related to the employee, under circumstances deemed appropriate by the Director.

Employees who are adopting or seeking to adopt a minor child or minor children may use up to fifteen (15) sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation, submission or preparation, time spent with legal or adoption agency representatives, time spent in court, and bonding time. See also, 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE, which also applies. Except for bonding time, documentation shall be provided by the employee upon request.

Pay for sick leave shall be at the employee’s daily rate of pay, which is that employee’s total contracted salary, divided by the number of days employed as reflected in the contract. Absences for illness in excess of the employee’s accumulated and current sick leave shall result in a deduction from the employee’s pay at the daily rate as defined above. The leave may be taken in increments of no less than one-fourth (1/4) hour.

At the discretion of the Director, the school may require a written statement from the employee’s physician documenting the employee’s illness. Failure to provide such documentation of illness may result in sick leave not being paid, or in discipline up to and including termination.

Should a teacher be absent frequently during a school year, and if such a pattern of absences continues, or is reasonably expected to continue, the Director may relieve the teacher of his/her assignment (with Board approval) and assign the teacher substitute duty at the teacher’s daily rate of pay. Should the teacher fail, or otherwise be unable, to report for substitute duty when called, the teacher will be charged a day of sick leave, if available or if unavailable, the teacher will lose a day’s wages at his/her daily rate of pay.

If the employee’s absences are excessive or grossly excessive as defined by this policy, disciplinary action may be taken against the employee, which could include termination or nonrenewal of the contract of employment. The Director shall have the authority when making his/her determination to consider the totality of circumstances surrounding the absences and their impact on school operations or student services.

Employees, upon termination of their employment contract with IACS and accepting employment in another school district in this state, education service cooperative, state education agency or two-year college, may transfer any unused sick leave accumulated by the employee, but not to exceed 90 days.

Payment for unused sick leave shall be made from the salary fund of the school at the rate of one-half (1/2) of the calculated daily pay of the employee.

**Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 3.44, if an employee who works a non-School job while taking School sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross Reference: 3.18—LICENSED PERSONNEL OUTSIDE EMPLOYMENT

3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE

3.44—LICENSED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION

Legal References: A.C.A. § 6-17-1201 et seq.

Date Adopted: September 3, 2002

Last Revised: May 19, 2015

**3.9--LICENSED PERSONNEL SICK LEAVE BANK**

A sick leave bank is established for the purpose of permitting employees, upon approval, to obtain sick leave in excess of accumulated and current sick leave, when the employee has exhausted all such leave. Only those employees who contribute to the sick leave bank during a given contract year shall be eligible to withdraw from the sick leave bank.

The Director shall appoint a Sick Leave Bank Committee. That committee shall consist of three (3) members: two (2) teachers and the Director.

The terms of the committee shall be for three years with one member being replaced each year.

The Committee shall meet as necessary for the purpose of reviewing requests for withdrawal from the bank. The determination of the committee shall be final.

**Withdrawals**

The Committee may grant sick leave up to 10 days per contract year if available in the sick leave bank for serious personal or family illness, disabilities or accidents (not including accidents for which the employee is receiving Workers’ Compensation), which cause the employee to be absent from work and when the employee has exhausted all accumulated and current sick leave.

Requests for withdrawal from the sick leave bank must state the reason(s) for the request and the number of days requested and must be accompanied by a detailed statement from an attending physician of the nature of the malady and the expected duration thereof.

If the information provided to the Committee is deemed by a majority of the Committee to be insufficient, the Committee may require additional information or deny the employee’s request, at its discretion. The Committee shall have the authority to grant, reduce or deny any request. However, the Committee may grant no request, or any granted time may be withdrawn, when the employee accepts retirement; is eligible for Social Security Disability or other disability insurance; or the employee returns to work.

**Spousal Donations**

School employees who are husband and wife are eligible to utilize each other’s sick leave. Written permission must be received for each day of donated sick leave. If the employees are paid at different rates of pay, the lesser rate of pay shall be used for the purpose of the donated sick leave days.

Legal Reference: A.C.A. § 6-17-1208

Date Adopted: September 3, 2002

Last Revised: April 26, 2012

**3.10—LICENSED PERSONNEL PLANNING TIME**

The Director is responsible for ensuring master schedules are created which determine the timing and duriation of each teacher’s planning and scheduled lunch periods. Planning time is for the purpose of scheduling conferences, instructional planning, and preparation. Each teacher will have the ability to schedule these activities during his/her designated planning time. Teachers may not leave campus during their planning time without prior permission from the Director.

Legal Reference: ACA § 6-17-114 (a)(d)

Date Adopted: June 17, 2003

Last Revised: April 26, 2012

**3.11—LICENSED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE**

Personal Leave

For the school to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum. The school acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. Each full-time employee shall receive two (2)days of personal leave per contract year. The leave may be taken in increments of no less than one (1) day.

Employees shall take personal leave or leave without pay for those absences which are not due to attendance at school functions which are related to their job duties and do not qualify for other types of leave (for sick leave see Policy 3.8, for professional leave see below).

School functions, for the purposes of this policy, means:

Athletic or academic events related to the school; and

Meetings and conferences related to education.

For employees other than the Director, the determination of what activities meet the definition of a school function shall be made by the Director. For the Director, the school board of directors shall determine what activities meet the definition of a school function. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence.

Any employee desiring to take personal leave may do so by making a written request to his supervisor at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the supervisor when the supervisor deems it appropriate. Depending upon the availability of substitutes and the number of people absent on that particular day, the request for personal leave may be denied.

Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). While there are instances where personal circumstances necessitate an employee’s absence beyond the allotted days of sick and/or personal leave, any employee who requires leave without pay must receive advance permission (except in medical emergencies) from the Director. Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination.

Personal leave does not accumulate from one contract year to the next.

Personal leave may not be taken the day before or the day after a holiday.

Unused personal leave at the end of the year may be transferred to sick leave at the employee’s request.

**Professional Leave**

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., teacher workshops or serving on professional committees) which can serve to improve the school’s instructional program or enhances the employee’s ability to perform his duties. Professional leave will also be granted when a school employee is subpoenaed for a matter arising out of the employee’s employment with the school.

Any employee seeking professional leave must make a written request to the Director, setting forth the information necessary for the Director to make an informed decision. Budgeting concerns and the potential benefit for the school’s students will be taken into consideration in reviewing a request for professional leave.

Applications for professional leave should be made as soon as possible following the employee’s discerning a need for such leave, but, in any case, no less than two (2) weeks before the requested leave is to begin, if possible.

If the employee does not receive or does not accept remuneration for his/her participation in the professional leave activity and a substitute is needed for the employee, the school shall pay the full cost of the substitute. If the employee receives and accepts remuneration for his/her participation in the professional leave activity (e.g. scholastic audits or praxis assessments), the employee shall forfeit his/her daily rate of pay from the school for the time the employee misses. The cost of a substitute, if one is needed, shall be paid by the school.

Legal Reference: A.C.A. § 6-17-211

Date Adopted: September 3, 2002

Last Revised: March 26, 2013

3.12— LICENSED PERSONNEL RESPONSIBILITIES IN DEALING WITH SEX OFFENDERS ON CAMPUS

Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).

While Levels 1 and 2 place no restrictions prohibiting the individual’s presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in Policy 6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW) and it is the responsibility of school staff to know and understand the policy and, to the extent requested, aid the Director in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

It is the intention of the board of directors that school staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school’s administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.

Cross Reference: **6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW)**

Legal Reference: A.C.A. § 12-12-913 (g) (2)

Arkansas Department of Education Guidelines for “Megan’s Law”

A.C.A. § 5-14-132

Date Adopted: May 15, 2007

Last Revised: May 20, 2008

**3.13—LICENSED PERSONNEL - PUBLIC OFFICE**

An employee of the school who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school district) shall not be discharged or demoted as a result of such service.

No paid sick leave will be granted for the employee’s participation in such public office. The employee may take personal leave or vacation (if applicable), if approved in advance by the Director, during his/her absence.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he/she must make written request for leave to the Director, setting out, to the degree possible, the dates such leave is needed.

An employee who fraudulently requests sick leave for the purpose of taking leave to serve in public office may be subject to non renewal or termination of his/her employment contract.

Legal Reference: A.C.A. § 6-17-105(b)

Date Adopted: September 3, 2002

Last Revised: April 26, 2012

**3.14— LICENSED PERSONNEL - JURY DUTY**

Employees are not subject to discharge, loss of sick leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to the school through the Director.

The employee must present the original (not a copy) summons to jury duty to the Director in order to confirm the reason for the requested absence.

Employees shall receive their regular pay from the school while serving jury duty, and shall reimburse the school from the stipend they receive for jury duty, up to, but not to exceed, the cost of the substitute hired to replace the employee in his/her absence.

Legal Reference: A.C.A. § 16-31-106

Date Adopted: September 3, 2002

Last Revised: April 20, 2004

**3.15— LICENSED PERSONNEL LEAVE - INJURY FROM ASSAULT**

Any teacher who, while in the course of their employment, is injured by an assault or other violent act; while intervening in a student fight; while restraining a student; or while protecting a student from harm, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay.

A leave of absence granted under this policy shall not be charged to the teacher’s sick leave.

In order to obtain leave under this policy, the teacher must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the teacher to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the teacher’s employment.

Legal Reference: A.C.A. § 6-17-1209

Date Adopted: September 3, 2002

Last Revised: April 20, 2004

**3.16—LICENSED PERSONNEL REIMBURSEMENT FOR PURCHASE OF SUPPLIES**

Pre-kindergarten through sixth grade teachers shall be allotted the amount required by law to be used by the teacher in his/her classroom or for class activities. The amount shall be credited to an account from which the teacher shall be reimbursed for his/her covered purchases to the extent funds are available in the account. For the purposes of this policy, pre-kindergarten through sixth grade teachers shall be allotted the greater of:

1. Twenty dollars ($20) per student enrolled in the teacher’s class for more than fifty percent (50%) of the school day at the end of the first three (3) months of the school year; or
2. Five hundred dollars ($500).

Teachers may purchase supplies and supplementary materials from the school at the school’s cost to take advantage of the school’s bulk buying power. To do so, teachers shall complete and have approved by the Director a purchase order for supplies that will then be purchased on the teacher’s behalf by the school and subtracted from the teacher’s total supply and material allocation. Teachers may also purchase materials and supplies using their own funds and apply for reimbursement by submitting itemized receipts. Supplies and materials purchased with school funds, or for which the teacher is reimbursed with school funds, are school property, and should remain on school property except to the extent they are used up or consumed or the purchased supplies and/or materials are intended/designed for use away from the school campus.

Reimbursement requests must be submitted during the school year they were purchased.

Unused allotments shall not be carried over from one fiscal year to the next.

Each school is required to annually provide a statement to the State Board of Education attesting to compliance with the statute covered by this policy.

Legal Reference: A.C.A. § 6-21-303(b)(1)

Date Adopted: June 17, 2003

Last Revised: February 3, 2015

**3.17—INSULT OR ABUSE OF LICENSED PERSONNEL**

Employees are protected from abusive language and conduct by state law. An employee may report to the police any language that is calculated to:

1. Cause a breach of the peace;

2. Materially and substantially interfere with the operation of the school; and/or

3. Arouse the person to whom the language is addressed to anger, to the extent likely to cause imminent retaliation.

Legal Reference: A.C.A. § 6-17-106

Date Adopted: September 3, 2002

Last Revised:

**3.18— LICENSED PERSONNEL OUTSIDE EMPLOYMENT**

An employee of the school may not be employed in any other capacity during regular working hours.

An employee may not accept employment outside of his/her school employment that will interfere, or otherwise be incompatible with the school employment, including normal duties outside the regular work day; nor shall an employee accept other employment that is inappropriate for an employee of a public school.

The Director shall be responsible for determining whether outside employment is incompatible, conflicting, or inappropriate.

When a licensed employee is additionally employed by the School in either a classified capacity or by a contract to perform supplementary duties for a stipend or multiplier, the duties, expectations, and obligations of the primary licensed position employment contract shall prevail over all other employment duties unless the needs of the School dictate otherwise. If there is a conflict between the expectations of the primary licensed position and any other contracted position, the licensed employee shall notify the Director as far in advance as is practicable. The Director shall verify the existence of the conflict. The Director shall determine the needs of the School on a case-by-case basis and rule accordingly. The Director's decision is final with no appeal to the School Board. Frequent conflicts or scheduling problems could lead to the non-renewal or termination of the classified contract of employment or the contract to perform the supplementary duties.

**Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 3.44, if an employee who works a non-School job while taking School sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross References: 3.8—LICENSED PERSONNEL SICK LEAVE

3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE

3.44—LICENSED PERSONNEL WORKPLACE INJURIES AND

WORKERS’ COMPENSATION

Legal Reference: A.C.A. § 6-24-106, 107, 111

Date Adopted: September 3, 2002

Last Revised: March 18, 2014

**3.19—LICENSED PERSONNEL EMPLOYMENT**

All prospective employees must fill out an application form provided by the school, in addition to any resume provided, all of the information providedis to be placed in the personnel file of those employed.

If the employee provides false or misleading information, or if he/she withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee’s licensure status is discovered to be other than as it was represented by an employee or applicant, either in writing on application materials or in the form of verbal assurances or statements made to the school.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.

An individual with a currently suspended license or whose license has been revoked by the State Board of Education is not eligible to be employed by the School; this prohibition includes employment as a substitute teacher, whether directly employed by the School or providing substitute teaching services under contract with an outside entity.

The School is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, age, or disability.

In accordance with Arkansas law, the School provides a veteran preference to applicants who qualify for one of the following categories:

1. a veteran without a service-connected disability;
2. a veteran with a service-connected disability;
3. a deceased veteran’s spouse who is unmarried throughout the hiring process; or

For purposes of this policy, “veteran” is defined as:

1. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
2. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veterans preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, **as applicable**, to the employment application:

* Form DD-214 indicating honorable discharge;
* A letter dated within the last six months from the applicant’s command indicating years of service in the National Guard or Reserve Forces as well as the applicant’s current status;
* Marriage license;
* Death certificate;
* Disability letter from the Veteran’s Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

Legal References: A.C.A. § 6-17-411

A.C.A. § 21-3-302

A.C.A. § 21-3-303

Date Adopted: September 3, 2002

Last Revised: May 19, 2015

**21-3-301. Uniform Classification and Compensation Act regulations.**  
  
Any requirement, rule, or regulation set up for the purpose of selecting employees paid in whole or in part with state funds for positions subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall include regulations under this subchapter.  
  
**HISTORY:** Acts 1947, No. 414, § 1; A.S.A. 1947, § 12-2318; Acts 2003, No. 653, § 1.

**21-3-302. Veterans Preference Law.**  
  
**(a)** This section shall be entitled the "Veterans Preference Law".  
  
**(b)** For purposes of this section, "veteran" means:  
  
**(1)** A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or  
  
**(2)** Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether the person has retired or been discharged or not.  
  
**(c)** A state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., or a school district as defined under § 6-20-1903, shall provide a veterans preference in interviewing and hiring to an applicant if the applicant:  
  
**(1)** Indicates on the employment application that he or she is:  
  
**(A)** A veteran;  
  
**(B)** A disabled veteran; or  
  
**(C)** The surviving spouse of a deceased veteran who is unmarried at the time of application for employment and remains unmarried until the decision to hire is made;  
  
**(2)** Is a citizen and resident of this state; and  
  
**(3)** Meets substantially equal qualifications of other applicants.  
  
**(d)** **(1)** **(A)** If an examination, evaluation, or similar instrument is given to establish a list of qualified candidates to be interviewed for a position at a state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., and an applicant entitled to a veterans preference under this section attains a passing grade, the applicant shall have five (5) points added to his or her final earned rating if the examination, evaluation, or similar instrument is subject to numerical scoring.  
  
**(B)** If a veteran is not selected for a position for which the successful candidate was selected based on a numerical score, at the veteran's request the selection authority shall provide the veteran with his or her base score, adjusted score, and the successful candidate's score.  
  
**(2)** **(A)** If the examination, evaluation, or similar instrument is not subject to numerical scoring, the selection authority shall demonstrate how veterans preference was applied in developing a list of qualified candidates to be interviewed and in selecting the successful candidate for the position.  
  
**(B)** If the selection authority used a scoring method other than numerical scoring, at the veteran's request the selection authority shall provide all documentation to the veteran to demonstrate to the veteran how the veterans preference was used to:  
  
**(i)** Develop a list of qualified candidates to be interviewed; and  
  
**(ii)** Select the successful candidate for the position.  
  
**(3)** **(A)** A veteran who established by the records of the federal Department of Veterans Affairs the existence of a service-connected disability, or a veteran who is over fifty-five (55) years of age, disabled, and entitled to a pension or compensation under existing laws, or the spouse of a veteran with a service-connected disability whose disability disqualifies him or her for selection shall have ten (10) points instead of five (5) points added to his or her final earned rating on the examination, evaluation, or similar instrument.  
  
**(B)** If a veteran is not selected for a position for which the successful candidate was selected based on a numerical score, at the veteran's request the selection authority shall provide the veteran with his or her base score, adjusted score, and the successful candidate's score.  
  
**(4)** This subsection does not require the selection authority to provide the veteran with testing materials or any other information concerning the successful candidate or other applicants that is not authorized for release under this subsection or authorized for release to the public under the Freedom of Information Act of 1967, § 25-19-101 et seq.  
  
**(e)** The qualified veteran's status shall be considered on questions of promotion and retention of employees according to § 21-3-304.  
  
**(f)** The names of candidates who have qualified in an examination, evaluation, or similar instrument given for the purpose of establishing an interview or employment list shall be entered on an appropriate register or list of eligibles in the following order:  
  
**(1)** Names of ten-point-preference eligibles shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points;  
  
**(2)** Names of five-point-preference eligibles shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points; and  
  
**(3)** Names of all other eligibles who do not have preference as provided in this section shall be placed on the register or applicant list in accordance with their ranking of eligibility points.  
  
**(g)** The persons entitled to preference shall not be disqualified from holding any position on account of age or by reason of any physical disability, provided that the age or disability does not render the person incapable to perform properly the duties of the position for which he or she applied.  
  
**(h)** This section does not apply to an elected official or political appointee in:  
  
**(1)** A state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq.;  
  
**(2)** A school district as defined under § 6-20-1903; or  
  
**(3)** The administrative assistant or secretary of an elected official or political appointee.  
  
**HISTORY:** Acts 1981, No. 527, §§ 1-4; A.S.A. 1947, §§ 12-2322.1 -- 12-2322.4; Acts 1995, No. 40, § 1; 2003, No. 653, § 1; 2013, No. 444, §§ 1, 2; 2013, No. 474, § 1.

**21-3-303. Failure to hire a veteran.**  
  
**(a)** If requested by the veteran applicant and in addition to the requirements under § 21-3-302(d), a hiring official or selection authority for a state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall submit in writing to the veteran the reason the veteran was not:  
  
**(1)** Included on a list of qualified candidates to be interviewed; and  
  
**(2)** Selected for the position.  
  
**(b)** The written reason provided under this section shall become a part of the employment application records of the state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., or a school district as defined under § 6-20-1903, and be retained for the same period of time as all other employment applications as established by law or agency policy.  
  
**HISTORY:** Acts 1947, No. 414, § 3; A.S.A. 1947, § 12-2320; Acts 2003, No. 653, § 1; 2013, No. 444, § 3; 2013, No. 474, § 2.

**21-3-304. Reduction in force.**  
  
**(a)** A department or agency director or institution of higher education president or chancellor may separate any employee without prejudice because of lack of funds, curtailment of work, or in order to permit reinstatement of employees upon their release from periods of military service from the armed forces of the United States.  
  
**(b)** However, no employee as defined by § 21-5-203 shall be separated while there are emergency, intermittent, temporary, provisional, or probationary employees serving in the same class of position in the same department or agency.  
  
**(c)** **(1)** The order of separation due to reduction in force shall be based upon criteria established by the Statewide Workforce Reduction Policy as issued and administered by the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration.  
  
**(2)** For the purpose of establishing this layoff formula, the veteran's service in the armed forces shall be considered as service with the department or agency and computed as a part of his or her seniority.  
  
**HISTORY:** Acts 1947, No. 414, § 5; A.S.A. 1947, § 12-2322; Acts 2003, No. 653, § 1.

**21-3-305. Reemployment.**  
  
**(a)** An employee as defined in § 21-5-203 who has established veterans preference eligibility and has resigned while in good standing or who has been separated without prejudice shall be eligible for reemployment within a period of time no less than the continuous period of his or her service in a department, agency, or institution of higher education, provided that he or she has been certified by the department or agency director or institution of higher education president or chancellor as meeting the current minimum qualifications as to training and experience of the class of position to which he or she is being reemployed.  
  
**(b)** Prior to making the minimum qualifications certification, the department or agency director or institution of higher education president or chancellor may require the employee to pass a qualifying examination.  
  
**(c)** For the purpose of reemployment eligibility under the provisions of this section, time spent in the armed forces shall not be counted.  
  
**HISTORY:** Acts 1947, No. 414, § 4; A.S.A. 1947, § 12-2321; Acts 2003, No. 653, § 1.

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**21-3-306. Rights of reservists.**  
  
**(a)** It is declared to be the intent of the General Assembly that any person who holds an other than temporary position in the employ of the State of Arkansas shall not be denied retention in employment or any promotion or other incident or advantage of employment or transferred involuntarily to another position because the person is a member of a reserve component of the armed forces of the United States.

ASBA Model Policy Service Subscriber,

After sending out the FAQ on January 13th, we became aware of Act 474 which is a companion to Act 444, but with very significant differences. We have spent considerable time, consultation, and energy comparing the two acts and have reached the conclusion that when taken together, the veteran preference for K-12 only applies to the application, interview and hiring processes and **not** to promotion and retention.

Our decision is based on the following analysis.

Acts 444 and 474 are by the same sponsor, were drafted only 24 minutes apart, and amend some of the same statutes, but do so in inconsistent ways. Act 474 is a longer act than 444 and covers more portions of the veteran's preference statutes than Act 444 does. Act 474, however, never adds K-12 to the list of who the requirements apply to. A.C.A. § 21-3-302 is the statute that triggers the preference's applicability to the hiring, promotion and retention processes. Act 444 only adds K-12 to the application, interview and hiring processes and **neither act** adds K-12 to the promotion or retention subsections of the statute. Since Act 474 was both drafted and passed after Act 444 and chose NOT to amend the portion of the statute that would have included K-12 in the realm of promotion and retention, ASBA believes the veterans' preference only applies to the application, interview and hiring processes. This FAQ has been amended to reflect that position.

Act 444 of 2013, which took effect August 16, 2013, (codified at A.C.A. § 21-3-301 etc.) added public school districts and charter schools to the list of employers required to provide a preference to veterans in the areas of **applications, interviewing, and hiring**. The addition of public schools to what had previously only applied to state agencies and higher ed has several policy implications and may also trigger changes to schools' prior practices relating to applications, interviewing, and hiring.

Because the pertinent statutes are not included in the new law book, we have included them as a separate document.

**FAQ for Veteran's Preference in Hiring, Promotion, and RIF**

**(Act 444 of 2013 Codified at A.C.A. § 21-3-301 et seq.)**

**Q: How does the veteran’s preference impact the promotion of employees?**

A: It does not have an impact on promotion. After further consideration, ASBA does not find that A.C.A. § 21-3-302(e) applies to public schools. As a result, A.C.A. § 21-3-304 does not apply and will not require a change in the determination of seniority.

**Q: How does the veteran’s preference impact a reduction in force (RIF)?**

A: It does not have an impact on retention. After further consideration, ASBA does not find that A.C.A. § 21-3-302(e) applies to public schools. As a result, A.C.A. § 21-3-304 does not apply and will not require modifications of the RIF policy.

**Q: Have school districts always been required to give a preference to veterans?**

A: No. Act 444 of 2013 added public school districts and charter schools to the list of employers that are required to give a preference to veterans.

**Q: What applicants are school districts required to give a preference to?**

A: School districts are required to give a preference to veterans, veterans with a service-connected disability, and a deceased veteran's spouse who is unmarried throughout the application and hiring process.

**Q: What is required for a person to qualify as a veteran?**

A: For a person to qualify as a veteran, the person must meet the definition of veteran under A.C.A. § 21-3-302(b) by having been:

A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or

Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

To be given a veteran's preference, all eligible applicants must indicate the appropriate status on the employment application and attach to the application a copy of either Form DD-214 or a letter dated within the last six months from the applicant’s command indicating years of service in the National Guard or Reserve Forces as well as the applicant’s current status.

**Q: What is required for an applicant to qualify as a veteran with a service-connected disability?**

A: The applicant must indicate the appropriate status on the employment application, meet the definition of veteran above, and attach copies of Form DD-214 and a disability letter from the Veteran’s Administration.

**Q: What is required for an applicant to qualify as the spouse of a deceased veteran?**

A: The applicant must indicate the appropriate status on the employment application; remain unmarried during the application and hiring process; and attach a copy of Form DD-214, marriage certificate, and the veteran’s death certificate.

**Q: How does a school know it must give a veteran's preference to a job applicant?**

A: For an applicant to be given preference when determining interview candidates, the applicant must qualify for a veteran category or as a deceased veteran’s spouse, indicate the appropriate status on the job application, attached copies of applicable supporting documentation, be a citizen, a resident of Arkansas, **and meet substantially similar qualifications to the other applicants**.

**Q: How does an applicant successfully indicate that he/she qualifies for a veteran category or as a deceased veteran’s spouse in order to receive the preference?**

A: Districts should have a place on the employment application for applicants to indicate that they fall under one of the following categories:

A veteran;

A veteran with a service-connected disability; or

A deceased veteran's spouse who is unmarried at the times of application and hiring.

Failure for an applicant to indicate appropriate status on the employment application and include supporting documentation for proof of status will result in the applicant **NOT** receiving the veteran’s preference.

**Q: What documentation is required to be attached to the employment application?**

A: Applicants who qualify for a veteran category or as a deceased veteran’s spouse are required to attach the following, **as applicable**, documentation to the employment application:

Form DD-214 indicating honorable discharge;

A letter dated within the last six months from the applicant’s command indicating years of service in the National Guard or Reserve Forces as well as the applicant’s current status; Marriage license; Death certificate; Disability letter from the Veteran’s Administration.

**Q: At what point(s) of employment is the district required to give a preference?**

A: The district is required to provide a preference when the district is deciding on which applicants to interview, when evaluating the applicants who were interviewed, and when submitting recommendations for hiring.

**Q: How can a district demonstrate a preference when choosing interview candidates?**

A: A.C.A. § 21-3-302(f) offers a minimum amount of preference for selecting candidates to interview by placing the names of applicants who qualify for a veteran category or as a deceased veteran’s spouse at the top of the list of similarly situated candidates; this statute is only required for state agencies and institutes of higher education who use a numerical scoring system, but, even so, it would be helpful in demonstrating the existence of the preference for any method used.

Example: Ann, Bob, Claire, and David are all applying for the same job. Bob and Claire both meet the definition of a veteran and indicate so on their application. Ann and Claire have both been teachers at other districts for five years; Bob and David have been teachers at other districts for three years. All else being equal, the order of the names on the list for candidates to be interviewed would be Claire, Ann, Bob, and then David.

Districts that use a selection process that results in a numerical score for applicants can use the method required for state agencies and higher education that use numerical scoring to demonstrate a preference; the requirements are that candidates who qualify for a veteran category or as a deceased veteran’s spouse are to be given additional points and that the qualifying candidates names are to be placed above the similarly situated candidates who do not qualify for a veteran category or as a deceased veteran’s spouse.

Example: District X uses a scoring system for evaluating applicants to interview. Each candidate receives one point for each year the candidate worked at a district; candidates receive one point for each area of licensure; a candidate receives two points if the candidate graduated from X; and veterans and surviving spouses receive three points. Ann, Bob, Claire, and David all apply for the same job at X. Bob and Claire both meet the definition of veteran and indicate this on their applications. David has been a teacher for eight years; Ann and Claire have been teachers for five years; and Bob has been a teacher for three years. David and Ann have two areas of licensure; Bob and Claire have one area of licensure. Ann graduated from X. The candidates end up with scores of Ann has nine points; Bob has seven points; Claire has nine points; and David has ten points. Therefore, the order of the names on the list of interview candidates would be David, Claire, Ann, and then Bob.

**Q: Is a school district required to automatically interview every applicant who qualifies under a veteran category or as a deceased veteran’s spouse?**

A: No. Keep your existing or desired criteria for interviewing and hiring, and modify them only to take this into consideration in an appropriate case. For instance, if your stated criteria for a position requires 5 years of experience, and an applicant who meets the requirements of a veteran category or of a deceased veteran’s spouse has only three years, you would have no obligation to consider that applicant at all, because the applicant is not “qualified” based on your criteria.

**Q: How does a district show preference to an applicant when evaluating the candidates interviewed?**

A: A.C.A. § 21-3-302(f) suggests that at a minimum districts create a list of names recommended for hiring that allows the district to place the name of the candidate who qualifies under a veteran category or as a deceased veteran’s spouse above the names of those similarly situated but who do not qualify for a veteran category or as a deceased veteran’s spouse.

Example: Ann, Bob, Claire, and David all apply for a job at District X. Bob and Claire are both veterans and indicated this on their applications. On paper, all four are equally qualified for the position but Claire and David gave a better interview than Ann and Bob. Therefore, the order the names should be placed on the ranked list of recommendations for hiring would be Claire, David, Bob, and then Ann.

When districts use a hiring rubric that results in a numerical score for each candidate interviewed, candidates who qualify for a veteran category or as a deceased veteran’s spouse receive additional points. Under A.C.A. § 21-3-302(d)(1)(A), veterans and deceased veteran's spouses who are unmarried at the times of application and hiring receive an additional five (5) points ; under A.C.A. § 21-3-302(d)(3)(A), veterans with a service-connected disability receive an additional ten (10) points instead of five (5) points. While this statute applies specifically to higher education, districts choosing to adopt these recommended point values from the higher education law would have solid footing when having to defend their selection process. There is also no statutory requirement that a 5 and 10 point scale be used if you use a scoring rubric, but there should be some differentiation for veterans versus veterans with a service-connected disability.

Example: Ann, Bob, Claire, and David all apply for a job at District X. Bob and Claire both meet the definition of veteran and indicate this on their applications. The candidates receive the following average scores from the interview committee: Ann received a score of 123, Bob received a score of 120, Claire received a score of 115, and David received a score of 131. Bob and Claire then got five additional points added to their scores for being veterans; This brought Bob to a total score of 125 and Claire to a total score of 120. Therefore, the order of the names placed on the list of recommendations would be David, Bob, Ann, and then Claire.

**Q: Does a school have to use a scoring rubric for selecting which applicants to interview and hire?**

A: No. Districts can continue using the system it has been previously using. One of the effects of Act 444 of 2013, however, is that the entire hiring process has to be able to demonstrate that any applicant who qualified under a veteran category or as a deceased veteran’s spouse was given a preference in the final selection of whom to interview or hire. Further entries in this document help clarify the inherent advantages of using a scoring rubric for the purpose of demonstrating a preference was provided.

**Q: We currently use a selection process that results in a numerical score, is there a specific number of points we are required to provide to candidates who qualify under a veteran category or as a deceased veteran’s spouse?**

A: No. The only amounts set by statute apply to state agencies and institutes of higher education. A.C.A. § 21-3-302(d)(1)(A) requires that a veteran or a deceased veteran's spouse who is unmarried at the times of application and hiring be given an additional five (5) points. Also, A.C.A. 21-3-302(d)(3)(A) requires that if the candidate is a veteran with a service-connected disability that the candidate be given ten (10) points instead of five (5) points. While this statute applies specifically to higher education, districts choosing to adopt the recommended point values from the higher education law would have solid footing when having to defend their selection process. There is also no statutory requirement that a 5 and 10 point scale be used if you use a scoring rubric, but there should be some differentiation for veterans versus veterans with a service-connected disability.

**Q: What rights does an applicant have if the applicant was not interviewed and/or hired?**

A: A.C.A. § 21-3-303(a) requires that a written explanation providing the reason(s) the applicant was not interviewed and/or hired be provided to the applicant upon request. If the hiring process resulted in a numerical scoring system, a district would inform the applicant that the district provided the applicant additional points when calculating the final scores. The district would then provide the applicant’s raw score, the applicant’s final score, and the score of the candidate hired.

**Q: What documentation are districts required to retain?**

A: Under A.C.A. § 21-3-303(b), districts are required to retain copies of the employment application, any documentation used in creating the interview candidate list, the interview candidate list, any interview evaluations, the list of names recommended for hiring, and any written explanation that is provided to an unsuccessful candidate.

**Q: How long are districts required to retain the documentation?**

A: Five (5) years. Any civil suit that could be brought by an unsuccessful candidate would be barred after five (5) years under A.C.A. § 16-56-115.

**(b)** The provisions of the reemployment rights protections of § 12-62-413 and the Uniformed Services Employment and Re-employment Rights Act of 1994 as in effect on January 1, 2003, shall be applicable, and the refusal of any state official to comply therewith shall subject him or her to removal from office.  
  
**(c)** This section shall be retroactive and shall take effect as of the date of the entry of any state employee into one of the reserve components of the armed forces of the United States.  
  
**HISTORY:** Acts 1973, No. 406, §§ 1-3; A.S.A. 1947, §§ 12-2352 -- 12-2354; Acts 2003, No. 653, §

**3.20—LICENSED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES**

Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Director and that the teacher’s attendance/travel was at the request of the school.

Reimbursement claims must be made on forms provided by the school and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.

The provisions of policy 7.12—EXPENSE REIMBURSEMENT are incorporated by reference into this policy.

Cross Reference: Policy #7.12 – EXPENSE REIMBURSEMENT

Date Adopted: September 3, 2002

Last Revised: April 26, 2012

**3.21— LICENSED PERSONNEL TOBACCO USE**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the school, including school buses owned or leased by the school, or other school vehicles is prohibited.

With the exception of recognized tobacco cessation products, this policy’s prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pips, or under any other name or descriptor.

Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: September 3, 2002

Last Revised: July 1, 2013

**3.22—DRESS OF LICENSED PERSONNEL**

Employees shall ensure that their dress and appearance are professional and appropriate to their positions. Appropriateness of dress will be determined by the Director.

Date Adopted: September 3, 2002

Last Revised:

**3.23— LICENSED PERSONNEL POLITICAL ACTIVITY**

Employees are free to engage in political activity outside of work hours and to the extent that it does not affect the performance of their duties or adversely affect important working relationships.

It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:

1. Using students for preparation or dissemination of campaign materials;
2. Distributing political materials;
3. Distributing or otherwise seeking signatures on petitions of any kind;
4. Posting political materials; and
5. Discussing political matters with students, in or out of the classroom, in other than circumstances appropriate to the Frameworks and/or curricular goals and objectives of the class.

Date Adopted: September 3, 2002

Last Revised: May 23, 2006

**3.24— LICENSED PERSONNEL DEBTS**

For the purposes of this policy, "garnishment" of a school employee is when the employee has lost a lawsuit to a judgment creditor who brought suit against a school employee for an unpaid debt, has been awarded money damages as a result, and these damages are recoverable by filing a garnishment action against the employee’s wages. For the purposes of this policy, the word “garnishment” excludes such things as child support, student loan or IRS liens or voluntary deductions levied against an employee’s wages.

All employees are expected to meet their financial obligations. If an employee writes “hot” checks or has his/her income garnished by a judgement creditor, dismissal may result.

An employee will not be dismissed for having been the subject of one (1) garnishment. However, a second or third garnishment may result in dismissal.

At the discretion of the Director, he or his designee may meet with an employee who has received a second garnishment for the purpose of warning the employee that a third garnishment will result in a recommendation of dismissal to the School Board.

At the discretion of the Director, a second garnishment may be used as a basis for a recommended dismissal. The Director may take into consideration other factors in deciding whether to recommend dismissal based on a second garnishment. Those factors may include, but are not limited to, the amount of the debt, the time between the first and the second garnishment, and other financial problems that come to the attention of the school.

Date Adopted: September 3, 2002

Last Revised: March 26, 2013

**3.25— LICENSED PERSONNEL GRIEVANCES**

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this school.

**Definitions**

Grievance: a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision. A group of employees who have the same grievance may file a group grievance.

Group Grievance: A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)

1. More than one individual has interest in the matter;
2. The group has a well-defined common interest in the facts and/or circumstances of the grievance;
3. The group has designated an employee spokesperson to meet with the Director and/or the board;
4. All individuals within the group are requesting the same relief.

Employee: any person employed under a written contract by this school.

Working day: Any weekday other than a holiday whether or not the employee under provisions of their contract is scheduled to work or whether they are currently under contract.

**Process**

Level One: An employee who believes that he/she has a grievance shall inform the Assistant Director that the employee has a potential grievance and discuss the matter with the Assistant Director within five working days of the occurrence of the grievance. The Assistant Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. (The five-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within five days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the Assistant Director, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within five working days of the discussion with the Assistant Director, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to the Assistant Director. The Assistant Director will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form that he/she will submit to the Director.

Level Two: Upon receipt of a Level Two Grievance Form, the Director will have ten working days to schedule a conference with the employee filing the grievance. The Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. After the conference, the Director will have ten working days in which to deliver a written response to the grievance to the employee.

Appeal to the Board of Directors: An employee who remains unsatisfied by the written response of the Director may appeal the Director’s decision to the Board of Education within five working days of his/her receipt of the Director’s written response by submitting a written request for a board hearing to the Director. If the grievance is not appealed to the Board of Directors within five working days of his/her receipt of the Director’s response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The school board will address the grievance at the next regular meeting of the school board, unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the Director’s reply, the board will decide if the grievance, on its face, is grievable under school policy. If the grievance is presented as a “group grievance,” the Board shall first determine if the composition of the group meets the definition of a “group grievance.” If the Board determines that it is a group grievance, the Board shall then determine whether the matter raised is a grievance. If the Board rules the composition of the group does not meet the definition of a group grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently refile their grievance as an individual grievance beginning with Level One of the process.)If the Board rules the grievance to be grievable, they shall immediately commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee’s immediate family at the appeal hearing before the Board of Directors. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee, and both parties shall have the opportunity to present and question witnesses. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student’s testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Directors may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

**Records**

Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.

**Reprisals**

No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

Legal Reference: ACA § 6-17-208, 210

Date Adopted: September 3, 2002

Last Revised: May 23, 2006

**3.25F - LICENSED PERSONNEL LEVEL TWO GRIEVANCE FORM**

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

Date submitted to Assistant Director: \_\_\_\_\_\_\_\_\_\_\_\_

Personnel Policy grievance is based upon: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grievance (be specific): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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What would resolve your grievance? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Director’s Response

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Date submitted to Director: \_\_\_\_\_\_\_\_\_\_\_\_

Date Adopted: September 3, 2002

Last Revised: June 17, 2003

**3.26— LICENSED PERSONNEL SEXUAL HARASSMENT**

The Imboden Area Charter School is committed to having an academic and work environment in which all students and employees are treated with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

Believing that prevention is the best policy, the school will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the school does not tolerate sexual harassment and that students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences.

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any employee found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

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

The terms “intimidating,” “hostile,” and “offensive” include conduct of a sexual nature which has the effect of humiliation or embarrassment and is sufficiently severe, persistent, or pervasive that it limits the student’s or employee’s ability to participate in, or benefit from, an educational program or activity or their employment environment.

Within the educational or work environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; employees and non-employees.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual; and spreading rumors related to a person’s alleged sexual activities.

Employees who believe they have been subjected to sexual harassment are encouraged to file a complaint by contacting the Director who will assist them in the complaint process. Under no circumstances shall an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment. To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

Employees who knowingly fabricate allegations of sexual harassment shall be subject to disciplinary action up to and including termination.

Individuals who withhold information, purposely provide inaccurate facts, or otherwise hinder an investigation of sexual harassment shall be subject to disciplinary action up to and including termination.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.

Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.

ACA 6-15-1005 (b) (1)

Date Adopted: September 3, 2002

Last Revised: March 15, 2011

**3.27— LICENSED PERSONNEL SUPERVISION OF STUDENTS**

All school personnel are expected to conscientiously execute their responsibilities to promote the health, safety, and welfare of the school’s students under their care. The Director shall establish regulations ensuring faculty supervision of students throughout the school day and at extracurricular activities.

Date Adopted: September 3, 2002

Last Revised:

**3.28— LICENSED PERSONNEL COMPUTER USE POLICY**

The Imboden Area Charter School provides computers and/or computer Internet access for many employees, to assist employees in performing work related tasks. Employees are advised that they enjoy no expectation of privacy in any aspect of their computer use, including E-mail, and that under Arkansas law, both E-mail and computer use records maintained by the School are subject to disclosure under the Freedom of Information Act.

Consequently, no employee or student-related reprimands or other disciplinary communications should be made through email.

Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the school’s technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of this school to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The designated school technology administrator or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.No software may be loaded onto school computers without prior approval of the Director.

Employees who misuse school-owned computers in any way, including excessive personal use, using computers for personal use during instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References: Children’s Internet Protection Act; PL 106-554

20 USC 6777

47 USC 254(h)

A.C.A. § 6-21-107

A.C.A. § 6-21-111

Date Adopted: September 3, 2002

Last Revised: June 22, 2009

**3.28F— LICENSED PERSONNEL INTERNET USE AGREEMENT**

Name (Please Print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Imboden Area Charter School agrees to allow the employee identified above (“Employee”) to use the school’s technology to access the Internet under the following terms and conditions:

1. Conditional Privilege: The Employee’s use of the school’s access to the Internet is a privilege conditioned on the Employee’s abiding by this agreement.

2. Acceptable Use: The Employee agrees that in using the school’s Internet access he/she will obey all federal and state laws and regulations. Internet access is provided as an aid to employees to enable them to better perform their job responsibilities. Under no circumstances shall an Employee’s use of the school’s Internet access interfere with, or detract from, the performance of his/her job-related duties.

3. Penalties for Improper Use: If the Employee violates this agreement and misuses the Internet, the Employee shall be subject to disciplinary action up to and including termination.

4. “Misuse of the School’s access to the Internet” includes, but is not limited to, the following:

1. using the Internet for any activities deemed lewd, obscene, vulgar, or pornographic as defined by prevailing community standards
2. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others

c. posting anonymous messages on the system

d. using encryption software

e. wasteful use of limited resources provided by the school including paper

f. causing congestion of the network through lengthy downloads of files

g. vandalizing data of another user

h. obtaining or sending information that could be used to make destructive devices such as guns,

weapons, bombs, explosives, or fireworks

i. gaining or attempting to gain unauthorized access to resources or files

j. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization

k. using the network for financial or commercial gain without school permission

l. theft or vandalism of data, equipment, or intellectual property

m. invading the privacy of individuals

n. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations

o. introducing a virus to, or otherwise improperly tampering with the system

p. degrading or disrupting equipment or system performance

q. creating a web page or associating a web page with the school without proper authorization

r. attempting to gain access or gaining access to student records, grades, or files of students not under their jurisdiction.

s. providing access to the school’s Internet Access to unauthorized individuals;

t. taking part in any activity related to Internet use that creates a clear and present danger of the substantial disruption of the orderly operation of the school.

u. making unauthorized copies of computer software

v. personal use of computers during instructional time

w. installing software on school computers without prior approval of the Director or his/her designee.

5. Liability for debts: Staff shall be liable for any and all costs (debts) incurred through their use of the school’s computers or the Internet including penalties for copyright violations.

6. No Expectation of Privacy: The Employee signing below agrees that in using the Internet through the school’s access, he/she waives any right to privacy the Employee may have for such use. The Employee agrees that the school may monitor the Employee’s use of the school’s Internet Access and may also examine all system activities the Employee participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system.

7. Signature: The Employee, who has signed below, has read this agreement and agrees to be bound by its terms and conditions.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_

Date

Date Adopted: September 3, 2002

Last Revised: June 22, 2009

**3.29— LICENSED PERSONNEL SCHOOL CALENDAR**

The Director shall present to the personnel policies committee (PPC) a school calendar which the board has adopted as a proposal. The Director, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals. The PPC shall have the time prescribed by law and/or policy in which to make any suggested changes before the board may vote to adopt the calendar.

The School shall not establish a school calendar that interferes with any ACTAAP scheduled testing that might jeopardize or limit the valid testing and comparison of student learning gains.

The Imboden Area Charter School shall operate by the following calendar:

# August 3 Teacher Inservice Begins August 17 School Begins

# September 7 Labor Day – No School

October 16 End of First Quarter

October 21 Parent/Teacher Conferences

November 26-27 Thanksgiving Break – No School

December 18 End of Second Quarter

December 19 – January 3 Christmas Break – No School

January 4 School Resumes

January 6 Report Cards

January 18 MLK Day – No School

February 15 President’s Day – No School

March 4 End of Third Quarter

March 9 Parent/Teacher Conferences

March 21-25 Spring Break

May 19 Awards/Graduation

May 20 Last Day of School/Family Picnic

Bad weather days in calendar: Jan 18

Feb 15

May 23

May 24

May 25

Legal Reference: A.C.A. § 6-17-201

Arkansas Comprehensive Testing, Assessment, and Accountability Plan Rules

Date Adopted: June 17, 2003

Last Revised: May 19, 2015

**3.30—PARENT-TEACHER COMMUNICATION**

The school recognizes the importance of communication between teachers and parents/legal guardians. To help promote positive communication, parent/teacher conferences shall be held once each semester. Parent-teacher conferences are encouraged and may be requested by parents or guardians when they feel they need to discuss their child’s progress with his/her teacher.

Teachers are required to communicate during the school year with the parent(s), legal guardian(s), or care-giving adult or adults in a student’s home to discuss the student’s academic progress unless the student has been placed in the custody of the Department of Human Services and the school has received a court order prohibiting parent or legal guardian participation in parent/teacher conferences. More frequent communication is required with the parent(s) or legal guardian(s) of students who are performing below grade level.

All parent/teacher conferences shall be scheduled at a time and place to best accommodate those participating in the conference. Each teacher shall document the participation or non-participation of parent(s)/legal guardian(s) for each scheduled conference.

If a student is to be retained at any grade level or denied course credit, notice of, and the reasons for retention shall be communicated promptly in a personal conference.

Legal Reference: State Board of Education Standards of Accreditation 12.04.1, 12.04.2, and 12.04.3

A.C.A. § 6-15- 1702(b)(3)(B)(ii)

Date Adopted: February 22, 2005

Last Revised: February 3, 2015

**3.31—DRUG FREE WORKPLACE – LICENSED PERSONNEL**

The conduct of school staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, the school shall have a drug free workplace. It is, therefore, the school’s policy that school employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off school property; violations of this policy will subject the employee to discipline, up to and including termination.

To help promote a drug free workplace, the school shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the school policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations.

Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug, or controlled substance, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the Director, the employee may be subject to discipline, up to and including termination. This policy also applies to those employees who are under the influence of alcohol while on campus or at school-sponsored functions, including athletic events.

Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one’s vehicle or in an area subject to the employee’s control will be considered to be possession as though the substance were on the employee’s person.

An employee living on campus or on school owned property is permitted to possess alcohol in his/her residence. The employee is bound by the restrictions stated in this policy while at work or performing his/her official duties.

It shall not be necessary for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/or irrational speech; or the presence of an odor associated with a prohibited substance on one’s breath or clothing.

Should an employee desire to provide the school with the results of a blood, breath or urine analysis, such results will be taken into account by the school only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by the school. The school shall not request that the employee be tested, and the expense for such voluntary testing shall be borne by the employee.

Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify the Director within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) of being so charged.

Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify the Director of having been so charged shall result in that employee being recommended for termination by the Director.

Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off school property shall report the conviction within 5 calendar days to the Director. Within 10 days of receiving such notification, whether from the employee or any other source, the school shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

Any employee convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances, or of drug paraphernalia, shall be recommended for termination.

Any employee who must take prescription medication at the direction of the employee’s physician, and who is impaired by the prescription medication such that he cannot properly perform his duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by the Director, will be sent home. The employee shall be given sick leave, if owed any. The school or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the employee to contact his physician in order to adjust the medication, if possible, so that the employee may return to his job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he will, again, be sent home and given sick leave, if owed any. Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

Any employee who possesses, uses, distributes or is under the influence of a prescription medication obtained by a means other than his own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance. An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. The school may require an employee to provide proof from his physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the satisfaction of the Director, may result in discipline, up to and including a recommendation of termination.

A report to the appropriate licensing agency shall be filed within seven (7) days of:

1. A final disciplinary action taken against an employee resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances; or
2. The voluntary resignation of an employee who is facing a pending disciplinary action resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances.

The report filed with the licensing authority shall include, but not be limited to:

* The name, address, and telephone number of the person who is the subject of the report; and
* A description of the facts giving rise to the issuance of the report.

When the employee is not a healthcare professional, law enforcement will be contacted regarding any final disciplinary action taken against an employee for the diversion of controlled substances to one (1) or more third parties.

Legal References: 41 USC § 702, 703, and 706

A.C.A. § 17-80-117

Date Adopted: February 22, 2005

Last Revised: May 19, 2015

3.31F—DRUG FREE WORKPLACE POLICY ACKNOWLEDGEMENT

CERTI FICATION

I, hereby certify that I have been presented with a copy of the Imboden Area Charter School’s drug-free workplace policy, that I have read the statement, and that I will abide by its terms as a condition of my employment with the school.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE**

Employees are eligible for benefits under the Family Medical Leave Act when the school has fifty (50) or more employees. The Imboden Area Charter School has less than fifty (50) employees, and therefore, employees are not eligible for FMLA benefits.

Legal References: 29 USC 2601 et seq.

29 CFR part 825

Date Adopted: September 3, 2002

Last Revised: April 26, 2012

**3.33 - ASSIGNMENT OF EXTRA DUTIES FOR LICENSED PERSONNEL**

From time to time extra duties may be assigned to certified personnel by the Director as circumstances dictate.

Legal Reference: A.C.A. 6-17-201

Date Adopted: June 17, 2003

Last Revised:

**3.34 - LICENSED PERSONNEL CELL PHONE USE**

Use of cell phones or other electronic communication devices by employees during instructional time for other than instructional purposesis strictly forbidden unless specifically approved in advance by the Director.

School staff shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use a school issued cell phone~~s~~ and/or computers for non-school purposes, except as permitted by school policy, shall be subject to discipline, up to and including termination. School employees who are issued school cell phones due to the requirements of their position may use the phone for personal use on an “as needed” basis provided it is not during instructional time.

All employees are forbidden from using school issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including termination.

No employee shall use any device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle which is in motion and on school property. Violation may result in disciplinary action up to and including termination.

Cross References: 4.47 – POSSESSION AND USE OF CELL PHONES, AND OTHER ELECTRONIC DEVICES.

7.14 – USE OF SCHOOL CELL PHONES AND COMPUTERS

Legal Reference: IRS Publication 15 B

Date Adopted: June 17, 2003

Last Revised: May 19, 2015

**3.35 - LICENSED PERSONNEL BENEFITS**

The Imboden Area Charter School provides its employees benefits consisting of the following:

1. The priceless reward of helping shape the life and future of our children.

2. Health insurance assistance.

3. Contribution to the teacher retirement system.

4. One sick leave day per contract calendar month, or greater portion thereof; and

5. Two personal days.

Legal Reference: A.C.A. 6-17-201

Date Adopted: June 17, 2003

Last Revised: March 15, 2011

**3.37 - ASSIGNMENT OF TEACHER AIDES**

The assignment of teacher aides shall be made by the Director. Changes in the assignments may be made as necessary due to changes in the student population, teacher changes, and to best meet the educational needs of the students.

Legal Reference: A.C.A. 6-17-201

Date Adopted: June 17, 2003

Last Revised:

3.38— LICENSED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the Director. The Director or his/her designee shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

School staff is required to help enforce implementation of the school’s anti-bullying policy. The school’s definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the Director. The report may be made anonymously.

The Director or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

Definitions:

**Attribute** means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

**Bullying** means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

* Physical harm to a public school employee or student or damage to the public school employee's or student's property;
* Substantial interference with a student's education or with a public school employee's role in education;
* A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
* Substantial disruption of the orderly operation of the school or educational environment;

**Electronic act** means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

**Harassment** means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

**Substantial disruption** means without limitation that any one or more of the following occur as a result of the bullying:

* Necessary cessation of instruction or educational activities;
* Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
* Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
* Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Examples of "Bullying" may include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic "comments" about another student’s personal appearance or actual or perceived attributes,
2. Pointed questions intended to embarrass or humiliate,
3. Mocking, taunting or belittling,
4. Nonverbal threats and/or intimidation such as “fronting” or “chesting” a person,
5. Demeaning humor relating to a student’s race, gender, ethnicity or actual or perceived attributes,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings, and/or
10. Threats of harm to student(s), possessions, or others.
11. Sexual harassment, as governed by policy 3.26, is also a form of bullying,
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: “Slut”) or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: “You are so gay.” “Fag” “Queer”).

This policy governs bullying directed towards students and is not applicable to adult on adult interactions. Therefore, this policy does not apply to interactions between employees. Employees may report workplace conflicts to the director.

Legal Reference: A.C.A. § 6-18-514

Date Adopted: April 20, 2004

Last Revised: February 3, 2015

**3.39— LICENSED PERSONNEL RECORDS AND REPORTS**

The Director shall determine, by individual or by position, those records a teacher is responsible to keep and those reports he/she is required to maintain. It is a requirement of employment that all required records and reports be completed, submitted, or otherwise tendered, and be accepted by the Director as complete and satisfactory, before the last month’s pay will be released to the certified employee.

Legal References:

Date Adopted: May 20, 2007

Last Revised:

3.40— LICENSED PERSONNEL Duty to Report Child Abuse, Maltreatment or Neglect

It is the statutory duty of certified school employees who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.

The duty to report suspected child abuse or maltreatment is a direct and personal duty, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.

By law, no school or school employee may prohibit or restrict an employee or volunteer from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

Legal References: A.C.A. § 12-18-107

A.C.A. § 12-18-201 et seq.

A.C.A. § 12-18-402

Date Adopted: May 20, 2008

Last Revised: May 10, 2011

3.41— LICENSED PERSONNEL VIDEO SURVEILLANCE AND OTHER MONITORING

The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding school facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification, data compilation devices, and technology capable of tracking the physical location of school equipment, students, and/or personnel.

The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

Signs shall be posted on school property and in or on school vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.

The school shall retain copies of video recordings until they are erasedwhich may be accomplished by either deletion or copying over with a new recording.

Videos, automatic identification, or data compilations containing evidence of a violation of school personnel policies and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or staff handbook**;** any release or viewing of such records shall be in accordance with current law.

Staff who vandalize, damage, defeat, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Video recordings and automatic identification or data compilation records may become a part of a staff member’s personnel record.

Date Adopted: May 20, 2008

Last Revised: March 15, 2011

**3.42—OBTAINING AND RELEASING STUDENT’S FREE AND REDUCED PRICE MEAL ELIGIBLITY INFORMATION**

**Obtaining Eligibility Information**

A fundamental underpinning of the National School Lunch and School Breakfast Programs (Programs) is that in their implementation, there will be no physical segregation of, discrimination against, or overt identification of children who are eligible for the Program's benefits. While the requirements of the Programs are defined in much greater detail in federal statutes and pertinent Code of Federal Regulations, this policy is designed to help employees understand prohibitions on how the student information is obtained and/or released through the Programs. Employees with the greatest responsibility for implementing and monitoring the Programs should obtain the training necessary to become fully aware of the nuances of their responsibilities.

The School is required to inform households with children enrolled of the availability of the Programs and of how the household may apply for Program benefits. However, the School and anyone employed by the School is **strictly forbidden** from **requiring** any household or student within a household from submitting an application to participate in the program. There are NO exceptions to this prohibition and it would apply, for example, to the offer of incentives for completed forms, or disincentives or negative consequences for failing to submit or complete an application. Put simply, federal law requires that the names of the children shall not be published, posted or announced in any manner.

In addition to potential federal criminal penalties that may be filed against a staff member who violates this prohibition, the employee shall be subject to discipline up to and including termination.

**Releasing Eligibility Information**

As part of the school’s participation in the National School Lunch Program and the School Breakfast Program, the school collects eligibility data from its students. The data’s confidentiality is very important and is governed by federal law. The school has made the determination to release student eligibility status or information as permitted by law. Federal law governs how eligibility data may be released and to whom. The school will take the following steps to ensure its confidentiality:

Some data may be released to government agencies or programs authorized by law to receive such data without parental consent, while other data may only be released after obtaining parental consent. In both instances, allowable information shall only be released on a need to know basis to individuals authorized to receive the data. The recipients shall sign an agreement with the school specifying the names or titles of the persons who may have access to the eligibility information. The agreement shall further specify the specific purpose(s) for which the data will be used and how the recipient(s) shall protect the data from further, unauthorized disclosures.

The Director shall designate the staff member(s) responsible for making eligibility determinations. Release of eligibility information to other school staff shall be limited to as few individuals as possible who shall have a specific need to know such information to perform their job responsibilities. Principals, counselors, teachers, and administrators shall not have routine access to eligibility information or status.

Each staff person with access to individual eligibility information shall be notified of their personal liability for its unauthorized disclosure and shall receive appropriate training on the laws governing the restrictions of such information.

Legal References: Commissioner’s Memos IA-05-018, FIN 09-041, and

IA 99-011, and FIN 13-018

ADE Eligibility Manual for School Meals Revised July 2012

7 CFR 210.1 – 210.31

7 CFR 220.1 – 220.22

7 CFR 245.5, 245.6, 245.8

42 USC 1758(b)(6)

Date Adopted: March 30, 2009

Last Revised: March 26, 2013

**3.43—DUTY OF LICENSED EMPLOYEES TO MAINTAIN LICENSE IN GOOD STANDING**

It is the responsibility of each teacher, and not the district, to keep his/her teaching license continuously renewed with no lapses in licensure, and in good standing with the State Board of Education. Failure of a teacher to do so will be grounds for termination.

Legal References: A.C.A. § 6-17-401

A.C.A. § 6-17-410

A.C.A. § 6-17-422

Date Adopted: March 30, 2009

Last Revised: April 26, 2012

**3.44— LICENSED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION**

The school provides Workers’ Compensation Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify Director or the Assistant Director. An injured employee must fill out an injury form, and the Director will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment nor lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, the school will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic. In addition, the employee shall submit to a drug test, which shall be paid at district expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker’s compensation benefits.

A Workers’ Compensation absence may run concurrently with FMLA leave (policy 3.32) when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a “light duty job,” but is unable to return to the employee’s same or equivalent job, the employee may decline the School’s offer of a “light duty job.” As a result, the employee may lose his/her workers’ compensation payments, but for the duration of the employee’s FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

Employees who are absent from work in the school due to a Workers’ Compensation claim may not work at a non-school job until they have returned to full duties at their same or equivalent school job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an employee whose has been cleared by his/her doctor to return to "light duty" but the School has no such position available for the employee and the employee's second job qualifies as "light duty".

To the extent an employee has accrued sick leave and a WC claim has been filed, an employee:

Will be charged for a day's sick leave for the all days missed until such time as the WC claim has been approved or denied; Whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits, to bring the total amount of combined income up to 100% of the employee's usual contracted daily rate of pay; Whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence that is not necessary to have brought the total amount of combined income up to 100% of the employee's usual contracted gross pay.

Cross References: 3.8—LICENSED PERSONNEL SICK LEAVE

3.18—LICENSED PERSONNEL OUTSIDE EMPLOYMENT

3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE

Legal References: Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE

A.C.A. § 11-9-102

A.C.A. § 11-9-508(d)(5)(A)

A.C.A. § 11-9-514(a)(3)(A)(i)

Date Adopted: June 22, 2009

Last Revised: February 3, 2015

3.45— LICENSED PERSONNEL SOCIAL NETWORKING AND ETHICS

**Definitions**

Social Media Account: a personal, individual, and non-work related account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, Instagram.

Professional/education Social Media Account: an account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, Instagram.

Blogs: are a type of networking and can be either social or professional in their orientation. Professional blogs are encouraged and can provide a place for teachers to post homework, keep parents up-to-date, and interact with students concerning school related activities. Social blogs are discouraged to the extent they involve teachers and students in a non-education oriented format.

**Policy**

Technology used appropriately gives faculty new opportunities to engage students. School staff are encouraged to use educational technology, the Internet, and professional/education social networks to raise student achievement and to improve communication with parents and students. Technology and social media accounts also offer staff many ways they can present themselves unprofessionally and/or interact with students inappropriately.

It is the duty of each staff member to appropriately manage all interactions with students, regardless of whether contact or interaction with a student occurs face-to-face or by means of technology, to ensure that the appropriate staff/student relationship is maintained. This includes instances when students initiate contact or behave inappropriately themselves.

Public school employees are, and always have been, held to a high standard of behavior. Staff members are reminded that whether specific sorts of contacts are permitted or not specifically forbidden by policy, they will be held to a high standard of conduct in all their interactions with students. Failure to create, enforce and maintain appropriate professional and interpersonal boundaries with students could adversely affect the school’s relationship with the community and jeopardize the employee’s employment with the school.

The Arkansas Department of Education *Rules Governing the Code of Ethics for Arkansas Educators* requires schoolstaff to maintain a professional relationship with each student, both in and outside the classroom. The School Board of Directors encourages all staff to read and become familiar with the Rules. Conduct in violation of the *Rules Governing the Code of Ethics for Arkansas Educators*, including, but not limited to conduct relating to the inappropriate use of technology or online resources, may be reported to the Professional License Standards Board (PLSB) and may form the basis for disciplinary action up to and including termination.

Staff members are discouraged from creating personal social media accounts to which they invite students to be friends or followers. Employees taking such action do so at their own risk and are advised to monitor the site’s privacy settings regularly.

School employees may set up blogs and other professional/education social media accounts using school resources and following school guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction. Accessing professional/education social media during school hours is permitted.

Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don’t cross the line of acceptability. A good rule of thumb for staff to use is, “if you wouldn’t say it in class, don’t say it online.”

Whether permitted or not specifically forbidden by policy, or when expressed in an adult-to-adult, face-to-face context, what in other mediums of expression could remain private opinions, including “likes” or comments that endorse or support the message or speech of another person, when expressed by staff on a social media website, have the potential to be disseminated far beyond the speaker’s desire or intention. This could undermine the public’s perception of the individual’s fitness to educate students, thus undermining the teacher’s effectiveness. In this way, the expression and publication of such opinions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment.

Accessing social media websites for personal use during school hours is prohibited, except during breaks or preparation periods. Staff are discouraged from accessing social media websites on personal equipment during their breaks and/or preparation periods because, while this is not prohibited, it may give the public the appearance that such access is occurring during instructional time. Staff shall not access social media websites using school equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of the Director. All school employees who participate in social media websites shall not post any school data, documents, photographs taken at school or of students, logos, or other school owned or created information on any website. Further, the posting of any private or confidential school material on such websites is strictly prohibited.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden:

* Sharing personal landline or cell phone numbers with students;
* Text messaging students;
* Emailing students other than through and to school controlled and monitored accounts;
* Soliciting students as friends or contacts on social networking websites;
* Accepting the solicitation of students as friends or contacts on social networking websites;
* Creation of administratively approved and sanctioned “groups” on social networking websites that permit the broadcast of information without granting students access to staff member’s personal information;
* Sharing personal websites or other media access information with students through which the staff member would share personal information and occurrences.

Privacy of Employee's Social Media Accounts

In compliance with A.C.A. § 11-2-124, the school shall not require, request, suggest, or cause a current or prospective employee to:

1. Disclose the username and/or password to his/her personal social media account;
2. Add an employee, supervisor, or administrator to the list of contacts associated with his/her personal social media account;
3. Change the privacy settings associated with his/her personal social media account; or
4. Retaliate against the employee for refusing to disclose the username and/or password to his/her personal social media account.

The School may require an employee to disclose his or her username and/or password to a personal social media account if the employee’s personal social media account activity is reasonable believed to be relevant to the investigation of an allegation of an employee violating school policy, or state, federal or local laws or regulations. If such an investigation occurs, and the employee refuses, upon request, to supply the username and/or password required to make an investigation, disciplinary action may be taken against the employee, which could include termination or nonrenewal of the employee’s contract of employment with the School.

Notwithstanding any other provision in this policy, the School reserves the right to view any information about a current or prospective employee that is publicly available on the Internet.

In the event that the school inadvertently obtains access to information that would enable the school to have access to an employee’s personal social media account, the school will not use this information to gain access to the employee’s social media account. However, disciplinary action may be taken against an employee in accord with other School policy for using school equipment or network capability to access such an account. Employees have no expectation of privacy in their use of school issued computers, other electronic device, or use of the School's network. (See policy 3.28—LICENSED PERSONNEL COMPUTER USE POLICY)

Cross reference: 3.28 – LICENSES PERSONNEL COMPUTER USE POLICY

Legal Reference: A.C.A. § 11-2-124

RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS

Date Adopted: June 22, 2009

Last Revised: July 1, 2013

3.46— LICENSED PERSONNEL VacationS

240 day contracted employees are credited with 10 days of vacation at the beginning of each fiscal year. This is based on the assumption that a full contract year will be worked. If an employee fails to finish the contract year due to resignation or termination, the employee’s final check will be reduced at the rate of .833 days per month, or major portion of a month, for any days used but not earned.

Instructional employees may not generally take vacation during instructional time. All vacation time must be approved, in advance to the extent practicable by the Director. If vacation is requested, but not approved, and employee is absent from work in spite of the vacation denial, disciplinary action will be taken against the employee, which may include termination or nonrenewal.

No employee shall be entitled to more than 15 days of vacation as of the first day of each fiscal year. The permissible carry forward includes the 10 days credited upon the start of the fiscal year. Employees having accrued vacation totaling more than 15 days as of the date this policy is implemented shall not be eligible to increase the number of days carried forward during their employment with the school. Earned but unused vacation will be paid upon resignation, retirement, termination, or nonrenewal at the employee’s current daily rate of pay.

Date Adopted: March 15, 2011

Last Revised: February 3, 2015

**3.47—Depositing collected funds**

From time to time, staff members may collect funds in the course of their employment. It is the responsibility of any staff member to deposit such funds they have collected daily into the appropriate accounts for which they have been collected. The Director or his/her designee shall be responsible for determining the need for receipts for funds collected and other record keeping requirements and of notifying staff of the requirements.

Staff that use any funds collected in the course of their employment for personal purposes, or who deposit such funds in a personal account, may be subject to discipline up to and including termination.

Date adopted: March 15, 2011

Last Revised: April 26, 2012

3.48—LICENSED PERSONNEL WEAPONS ON CAMPUS

Firearms

Except as permitted by this policy, no employee of this school, including those who may possess a “concealed carry permit,” shall possess a firearm on any school campus or in or upon any school bus or at a designated bus stop.

Employees who meet one or more of the following conditions are permitted to bring a firearm onto school property.

* He/she is participating in a school-approved educational course or program involving the use of firearms such as ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs;
* The firearms are securely stored and located in an employee’s on-campus personal residence and/or immediately adjacent parking area;
* He/she is a registered, commissioned security guard acting in the course and scope of his/her duties.
* He/she has a valid conceal carry license and leaves his/her handgun in his/her locked vehicle in the school parking lot.

Possession of a firearm by a school employee who does not fall under any of the above categories anywhere on school property, including parking areas and in or upon a school bus, will result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

Other Weapons

Employees may not possess any weapon, defined herein as an item designed to harm or injure another person or animal, any personal defense item such as mace or pepper spray, or any item with a sharpened blade, except those items which have been issued by the school or are otherwise explicitly permitted (example: scissors) in their workspace.

Employees who are participating in a Civil War reenactment may bring a Civil War era weapon onto campus with prior permission of the director. If the weapon is a firearm, the firearm must be unloaded.

Legal References: A.C.A. § 5-73-119

A.C.A. § 5-73-120

A.C.A. § 6-5-502

A.C.A. § 5-73-124(a)(2)

A.C.A. § 5-73-301

A.C.A. § 5-73-306

Date Adopted: March 26, 2013

Last Revised: May 19, 2015

3.49---TEACHERS' REMOVAL OF STUDENT FROM CLASSROOM

Note and advisement: This policy is adopted by the Board of Directors in order to bring the School into compliance with ADE rules concerning student discipline, and to incorporate the provisions of A.C.A. § 6-18-511. However, teachers should be aware that federal law governing a student's Individual Education Program (IEP) or 504 plan, or status as an individual with a disability will supercede Arkansas law. In many cases, removing a student from a classroom due to behavioral problems, will violate a student's IEP, violate a student's 504 plan, or constitute discrimination against the student due to a disability that affects the student's ability to conform his or her behavior. Teachers have been successfully sued for IEP and 504 plan violations in other jurisdictions, and teachers need to understand that violating a student's rights is outside of the scope of his or her employment, and no insurance is available or provided by the school for either legal defense or to pay a money judgment. Teachers who rely on this law and this policy to exclude a student with special needs or a disability are assuming a grave personal risk.

A teacher may remove a student from class whose behavior the teacher has documented to be repeatedly interfering with the teacher's ability to teach the students in the class or whose behavior is so unruly, disruptive or abusive that it interferes with the ability of the student's other classmates to learn. Students who have been removed from their classroom by a teacher shall be sent to the Director’s office for appropriate discipline.

The Director or Designee may:

1. Place the student into another appropriate classroom;
2. Place the student into in-school suspension;
3. Return the student to the class; or
4. Take other appropriate action consistent with the School’s student discipline policies and state and federal law.

If a teacher removes a student from class two (2) times during any nine-week grading period, the Director or Designee may not return the student to the teacher's class unless a conference has been held for the purpose of determining the cause of the problem and possible solutions. The conference is to be held with the following individuals present:

1. The Director or Designee;
2. The teacher;
3. The school counselor;
4. The parents, guardians, or persons in loco parentis; and
5. The student, if appropriate.

However, the failure of the parents, guardians, or persons in loco parentis to attend the conference does not prevent any action from being taken as a result of the conference.

Legal References: A.C.A. § 6-18-511

Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies

Date Adopted: March 26, 2013

Last Revised: February 3, 2015

**3.50—ADMINISTRATOR EVALUATOR CERTIFICATION**

Continuing Administrators

The Director shall determine and notify in writing by August 31 of each year. those currently employed administrators who will be responsible for conducting Teacher Excellence Support System (hereinafter TESS) summative evaluations who are not currently qualified to fulfill that role. All currently employed administrators so notified shall have until December 31 of the contract year to successfully complete all training and certification requirements for evaluators as set forth by the Arkansas Department of Education (ADE). It shall constitute just and reasonable cause for nonrenewal of the contract of employment for any administrator who is required to obtain and maintain TESS evaluator certification, as a term and condition of employment, to fail to do so by December 31 of any contract year. No administrator may conduct a summative evaluation unless they have successfully completed all training and certification requirements for evaluators required by the ADE.

Newly Hired or Promoted Administrators

All newly hired or newly promoted administrators, as a term and condition of their acceptance of their contract of employment for their administrative position, are required to obtain and maintain evaluator certification for TESS on or before December 31 of the initial administrative contract year, unless they are explicitly excused from such a contractual requirement by board action at the time of the hire or promotion. It shall constitute just and reasonable cause for nonrenewal of the contract of employment for any newly hired or newly promoted administrator who is required to obtain and maintain TESS evaluator certification, as a term and condition of employment, to fail to do so by December 31 of any contract year. No administrator may conduct a summative evaluation unless they have successfully completed all training and certification requirements for evaluators required by the ADE.

Legal Reference: Arkansas Department Of Education Rules Governing The Teacher Excellence And Support System 4.05

Date Adopted: July 1, 2013

Last Revised: March 18, 2014

**3.51—SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES**

“School Bus” is a motorized vehicle that meets the following requirements:

1. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the School; and
2. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

Any driver of a school bus shall not operate the school bus while using a device to browse the internet, make or receive phone calls or compose or read emails or text messages. If the school bus is safely off the road with the parking brake engaged, exceptions are allowed to call for assistance due to a mechanical problem with the bus, or to communicate with any of the following during an emergency:

* An emergency system response operator or 911 public safety communications dispatcher;
* A hospital or emergency room;
* A physician's office or health clinic;
* An ambulance or fire department rescue service;
* A fire department, fire protection district, or volunteer fire department; or
* A police department.

In addition to statutorily permitted fines, violations of this policy shall be grounds for disciplinary action up to and including termination.

Legal Reference: A.C.A. § 6-19-120

Date Adopted: March 18, 2014

Last Revised:

**3.52—LICENSED PERSONNEL HEALTH CARE COVERAGE REPORTING**

**Definitions**

"ACA" is the Affordable Care Act

“Full-time employee” means a licensed employee who is normally expected to work at least nine hundred (900) hours a year.

“Responsible individual” means a primary insured employee who, as a parent or spouse, enrolls one or more individuals in a district’s health care plan.

“Tax Identification Number (TIN)” means an individual’s social security account number.

**TIN Reporting**

All licensed employees are required to complete and return 3.52F‑Health Care Coverage and TIN Report Form by no later than October 1 of each year. All employees that meet the **above** definition of a responsible individual are required to include the name, date of birth, and TIN of any dependent that receives health insurance through a School-offered health care plan. Due to very significant penalties and sanctions contained within the ACA that the Internal Revenue Service (IRS) could levy against the School for the failure to submit required information to the IRS, the failure of any employee to submit a completed copy of 3.52F‑Health Care Coverage and TIN Report Form by October 1 shall be grounds for disciplinary action against the employee up to and including termination or non-renewal of contract.

**Statement of Return**

Under provisions of the ACA, the School is required to file information with the IRS pertaining to each employee. The School is also required to send each full time employee a Statement of Return (Statement). Each full-time employee shall receive a Statement from the School by January 31 of each year. The Statement contains information the School provided to the IRS, as required by law, regarding the employee’s health insurance coverage. Each Statement consists of important School identification and contact information and a copy of the documents the School filed with the IRS concerning the employee’s health care coverage. As with other tax documents, the information contained in the Statements covers the immediately preceding calendar year. Only one statement will be provided to a household with an employee who meets the **above** definition of a responsible individual. The employee shall receive a paper copy of the Statement unless the employee completes and returns 7.23F‑Electronic Receipt of Statements Consent Form.

Cross References: 3.52F‑Health Care Coverage and TIN Report Form

7.23‑Health Care Coverage and the Affordable Care Act

7.23F‑Electronic Receipt of Statements Consent Form

Legal References: A.C.A. § 6-17-1111

26 U.S.C. § 6055

26 U.S.C. § 6056

26 U.S.C. § 6109

Date Adopted: March 18, 2014

Last Updated:

**The Affordable Care Act and Schools**

The Affordable Care Act (ACA) includes several requirements that will affect school districts. Some of these requirements necessitate new personnel policies to ensure schools are able to obtain information they will have to submit to the IRS. These policies have been included in this batch of updates.

There are several other ACA associated policy issues that will be included in the next batch of updates. We would like to **stress** that the ACA is a huge conglomeration of documents that contain many issues that have not been finalized through the normal federal interpretive processes. These processes include adoption of IRS Regulations (similar to ADE Rules but WAY more complex and with a much longer adoption process), and the Code of Federal Regulations (CFR) (which are also used to interpret federal statutory language). Due, at least in part, to the decisions to postpone some of the ACA's implementation timelines, the IRS Regulations and CFRs either don't yet exist or are still being amended. This is making ASBA's policy writing job very difficult. It also means that while we believe the policies we have written are correct for now, there will very likely need to be changes to them as the yet to be resolved ACA issues get finalized.

There are four primary requirements the ACA places on schools but each requirement has multiple aspects that have to be met to be in compliance. The following is a very basic primer of these requirements.

The four primary requirements are:

* Offering health care coverage to all full-time employees and their dependants;
* Indicating on an employee’s W-2 the cost of the employee’s health coverage premium;
* Filing an IRS Return for each full-time employee indicating important information about the employee’s health care coverage; and
* Sending a Statement of Return to each full-time employee containing copies of the IRS Return filed on that employee.

**Offering Health Care Coverage**

The ACA created a mandatory requirement that all employers offer health care coverage to all full-time employees and their dependants. Included in the mandatory requirement, the ACA defined health care coverage that is acceptable and who qualifies as a full-time employee. The ACA stipulates that employers are to be heavily fined for failure to comply with this requirement.

**Acceptable Health Care Coverage**

The ACA created very specific requirements on what needs to be included in health care coverage. The most important requirements are those of Minimal Essential Coverage (MEC) and affordability. While the IRS Regulations in this regard are incredibly long and very complex, thankfully, all of the health care plans provided by the Employee Benefits Division for public school employees have all been determined to meet the requirements for MEC and affordability.

**Full-Time Employees**

The ACA provides a specific definition for who is a full-time employee. In addition, IRS Regulations describe what is required for a full-time employee to be considered to have been offered health coverage.

Definition of Full-Time Employee

The ACA defines a full-time employee as an employee who performs thirty (30) or more hours of service a week. There is, unfortunately, a wrinkle for districts with the ACA definition of a full-time employee. Arkansas has set forth the definition of a full-time classified employee in statute as a classified employee who works twenty (20) or more hours a week. When a state has set a lower threshold than the Federal government, the state threshold is used. Additionally, Arkansas has no definition for a full-time licensed employee so the Federal definition is used. The result is that two different thresholds are used for school employees when determining full-time status. Thus, a full-time licensed employee is a licensed employee who is contracted with for thirty (30) or more hours a week while a full-time classified employee is a classified employee who is contracted with for twenty (20) or more hours a week.

Offering Coverage

The ACA requires each full-time employee be offered health coverage. The two basic requirements for an employee to be treated as having been offered health coverage are:

* The employee is eligible for the coverage; and
* The coverage is effective on the day it was offered.

The ACA does not require a full-time employee to enroll in the offered coverage to be treated as having been offered coverage. The ACA looks at each month to determine if the employee was offered coverage for the particular month. The failure by the employer to have offered coverage for a single day during a month will count as though the employer did not offer coverage for the entire month; this is important due to the consequences for failing to offer coverage outlined below. To demonstrate that a school offered coverage, a district need only provide a full-time employee with documentation on eligibility and on how to enroll. The documentation provided may be in either physical or electronic format, but districts should keep a copy of the provided documentation.

**Failure to Offer**

The ACA has specific guidelines for determining if all full-time employees have been offered health coverage and for calculating the amount of the fine if all full-time employees are not offered coverage.

Determining if all employees were offered

Starting in January 2015, districts will need to be able to show that at least seventy percent (70%) of all full-time employees were offered health coverage. The ACA raises the percentage to ninety-five percent (95%) in January of 2016. If a school can demonstrate these percentages were met, the district will be treated as having offered coverage to the remaining percentages.

Calculating the Fine

Should an employer fail to meet the above percentages, the IRS is required to fine the employer. The calculation the IRS will use to determine the amount of the fine is as follows:

1. Take the total number of full-time employees and subtract thirty (30); and
2. Multiply the resulting number of full-time employees by one twelfth (1/12) of two thousand dollars ($2000);

The amount resulting from the above calculation is to be paid for each month the required percentages were not met.

**Indicate on W-2**

The ACA requires that for every employee who is enrolled in a health coverage plan sponsored by the employer, the employer indicate in box twelve (12) of the employee’s Form W-2 the cost of the employee’s health care coverage by using code “DD”. There is no requirement that the employer indicate the health coverage cost for an employee not enrolled in an employer sponsored plan. The information included on the W-2 has no impact on the employee’s taxes as the employee portion of the health coverage premium is still excluded from earned income. The inclusion on the W-2 is for informational purposes only.

**IRS Returns**

The ACA requires that employers file an IRS Return on each full-time employee. The IRS Return, similar to a 1099, covers the health coverage status of each full-time employee and any dependants receiving health coverage through the employee during the previous year. The form(s) the IRS will require schools use to file the Returns do not currently exist. Some of the information anticipated to be required to complete the form(s) is the name, date of birth, address, and Social Security Number (referred to as a Tax Identification Number or TIN) of the full-time employee and any dependant(s) receiving health coverage through the employee. Beginning in 2016, the Returns are required to be electronically filed with the IRS by March 31 of each year. The IRS is asking employers to voluntarily file the Returns in 2015 but it does not become mandatory until 2016. We believe it would serve districts well to not wait so that any kinks can be worked out before consequences take effect. The policy updates include forms which are designed to help enable districts to obtain some of the necessary reporting information from employees.

**Statements of Returns**

In addition to filing the IRS Returns each year, the ACA requires the employer to send a Statement of Return to each employee the employer filed a Return on. Each Statement of Return contains:

* The School’s name;
* The contact information for the office or individual handling the Returns;
* The School’s Employer Identification Number (EIN); and
* A copy of the Return filed with the IRS specific to the employee receiving the Statement of Return.

Beginning in 2016, the employer must have sent the Statement of Return to the employee by January 31 of each year. Should you choose to voluntarily file Returns in 2015, you are required to send Statements of Returns out as well. By default, schools are required to send the Statement of Return to the employee on paper; however, an employee has the option to affirmatively consent to receive an electronic copy of the Statement of Return instead. The next batch of updates will include a form for employees to consent to receive the electronic copies.

3.53—LICENSED PERSONNEL BUS DRIVER END OF ROUTE REVIEW

Each bus driver shall walk inside the bus from the front to the back to make sure that all students have gotten off the bus after each trip. If a child is discovered through the bus walk, the driver will immediately notify the central office and make arrangements for transporting the child appropriately. If children are left on the bus after the bus walk through has been completed and the driver has left the bus for that trip, the driver shall be subject to discipline up to and including termination of the employee's classified contract.

Date Adopted: March 18, 2014

Last Revised:

**3.55—WRITTEN CODE OF CONDUCT FOR EMPLOYEES INVOLVED IN PROCUREMENT IN THE CHILD NUTRITION PROGRAM**

For purposes of this policy, “Family member” includes:

* An individual's spouse;
* Children of the individual or children of the individual's spouse;
* The spouse of a child of the individual or the spouse of a child of the individual's spouse;
* Parents of the individual or parents of the individual's spouse;
* Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
* Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
* Anyone acting or serving as an agent of the individual or as an agent of the individual's spouse.

No School employee, administrator, official, or agent shall participate in the selection, award, or administration of a contract supported by the School Child Nutrition Program funds if a conflict of interest exists, whether the conflict is real or apparent.  Conflicts of interest arise when one or more of the following has a financial or other interest in the entity selected for the contract:

1. The employee, administrator, official, or agent;
2. Any family member of the School employee, administrator, official, or agent;
3. The employee, administrator, official, or agent’s partner; or
4. An organization that currently employs or is about to employ one of the above.

Employees, administrators, officials, or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements including, but not limited to:

1. Entertainment;
2. Hotel rooms;
3. Transportation;
4. Gifts;
5. Meals; or
6. Items of nominal value (e.g. calendar or coffee mug).

Violations of the Code of Conduct shall result in discipline, up to and including termination. The School reserves the right to pursue legal action for violations.

All child nutrition personnel and any School employees involved in purchasing for the Child Nutrition Program shall receive training on the Code of Conduct. Training should include guidance about how to respond when a gratuity, favor, or item with monetary value is offered.

Legal References: A.C.A. § 6-24-101 et seq.

Arkansas Department of Education Rules Governing the Ethical Guidelines And Prohibitions For Educational Administrators, Employees, Board Members And Other Parties

Commissioner’s Memo FIN 09-036

Commissioner’s Memo FIN-10-048

Commissioner’s Memo FIN 15-074

7 C.F.R. § 3016.36

7 C.F.R. § 3019.42

Date Adopted: May 19, 2015

Last Revised: