**2023-24**

**IMBODEN AREA CHARTER SCHOOL**

**LEA #38-40-700**

**CLASSIFIED PERSONNEL POLICIES**

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8.0—CLASSIFIED PERSONNEL POLICY COMMITTEE

**Membership**

The membership of the classified personnel policy committee (PPC) shall be:

1. At least one (1) nonmanagement classified representative from each of the following classifications:**1**
2. Maintenance, operation, and custodians;
3. Transportation;
4. Food service;
5. Secretary and clerk; and
6. Aides and paraprofessionals.
7. At least one (1) non-management individual to represent the group of All other job classifications of classified employees not identified in A-E above; and
8. Up to three (3)**2** administrators appointed by the director, which may include the director.

**Election of Non-management Members**

The non-management members of the PPC shall be elected as follows:**3**

The election for the non-management members of the PPC shall be conducted by the PPC by October 15 of each year. The election shall be conducted with the use of a secret ballot. A non-management employee may cast a ballot to vote for the candidate(s)**3** the non-management employee is eligible to vote for. The candidate who receives the highest number of votes shall be declared the winner.**4**

If an election to fill positions on the PPC is not conducted by October 15, the Board of Directors may appoint an individual to fill the position that was up for election.

**Length of Term**

The length of term for non-management members of the PPC shall be \_two (2)**5** years. Terms of non-management members shall be staggered so that, to the extent possible, an equal number of non-management members are elected each year. If an election is held due to a vacancy on the PPC, the individual elected to fill the vacancy shall be elected to the remainder of the unexpired term.

**Selection of Officers**

The PPC shall organize itself in the first quarter of each school year and elect a chair and a secretary.

**Meetings**

The PPC shall develop a calendar of regularly scheduled meetings throughout the year to review the School's personnel policies in order to:

1. Determine whether additional policies or amendments to existing policies are needed;
2. Review any policies or changes to policies proposed by the board of directors;
3. Propose additional policies or amendments to the board of directors; and
4. Review any proposed distribution of a salary underpayment from previous years.

The PPC shall hold special meetings throughout the year as necessary to review personnel policy proposals from the Board.

A majority of the members of the PPC shall constitute a quorum for conducting business. The adoption of any motion shall require an affirmative vote by a majority of the members of the PPC.**6**

The personnel policy review process shall be in accordance with Policy 1.9.

Members of the PPC are not entitled to and shall not receive additional pay for their service on the PPC or for attendance at PPC meetings.

**Recording of Meetings**

All PPC meetings shall be audio recorded. The recording may be paused in order to protect confidential employee or student information. The PPC chair shall announce for the recording the reason the PPC is pausing the recording prior to pausing the recording.

**Information Posted to School Website**

The following information shall be posted to the School website:

* Positions that are up for election to the PPC;
* Names of candidates running for each position;
* Information regarding the conduction of the election;
* Results of the election; and
* Minutes of each PPC meeting.

Notes: **1** While A.C.A. § 6-17-2303(b)(3) allows a school district that outsources any one (1) of the five (5) classifications under A-E to fill the position that is represented by the outsourced classification with a representative for a job classification that is not identified by one (1) of the classifications under A-E, it is unclear if, for those classifications that cover more than one job, this would require all of the categories covered by that classification or only one section of that classification., An example would be a district that outsources custodial services but continues to employ maintenance staff.

**2** The law allows for up to three (3) administrators to be appointed to the PPC, which may include the superintendent. If you would rather set a specific number between one (1) and three (3), you may do so.

**3** Insert your election process here. Make sure that the election process takes into account the number of non-management employees that are selected to represent each classification.

**4** Due to the law not requiring that an individual be elected by a majority, we have opted to make a person’s election be successful by receiving the highest number of votes regardless of the number of candidates that ran for a given position. Not requiring a majority to be reached for a person to be elected prevents the need for a run-off election. If you would rather require that the individual receive a majority of the votes, you may do so.

**5** Insert the number of years in a term.

**6** A.C.A. § 6-17-2304(b)(2) requires that any changes made to a personnel policy that are intended to become effective during the current contract year must be approved by a majority of the PPC. For procedural ease, we have opted to make this the default for the passage of any motion but you may change the vote threshold for all other motions.

Cross Reference: 1.9—POLICY FORMULATION

Legal Reference: A.C.A. § 6-17-2301 et seq.

Date Adopted: June 29, 2023

Last Revised:

# 8.1—CLASSIFIED PERSONNEL SALARY SCHEDULE

1. **Maintenance and Operations**

 Custodian - $13,884.00- per year

 General Maintenance - $11.00- $13.52 per hour

2. **Transportation**

 Bus Driver - $12.00 - $15.50 per hour

 Bus Monitor- $11.00- $13.52 per hour

3. **Food Service**

 $11.00- $13.52 per hour

4. **Secretarial and Clerical**

 Administrative Assistant - $33,280.00 per year

 Clerical Personnel - $17.34 per hour

5. **Aides and Paraprofessionals**

 Certified Paraprofessionals - $15.60 per hour

 Classified Paraprofessionals - $11.00-$14.04 per hour

 Classified Aides - $11.00- $14.04 per hour

6. **Health Services**

 School Nurse - See Licensed Salary Schedule

 All nurses begin on Step 0

Administrative Assistant, Bus Monitor, and School Bus Driver will be paid an hourly rate based on his/her salary for time worked during the after-school tutoring program.

State law requires the School to include its classified employee’s salary schedule in its written personnel policies. Your School is required to have a salary schedule for at least the following five categories of classified personnel: 1) Maintenance and Operations; 2) Transportation; 3) Food Service; 4) Secretarial and Clerical; and 5) Aids and Paraprofessionals. 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 classified policies and salary schedule.

The Director has the authority, when recommending an applicant and his/her placement on the School's salary schedule to the Board for its approval, to consider the applicant's previous work experience with similar duties, responsibilities, and skill sets to those job duties and responsibilities the applicant would assume for the School.**3**

**Notes:** The salary schedule does not have to, but certainly may, contain steps, nor does it have to be listed specifically, i.e. John Doe = $9.25 per hour, Jane Doe = $9.55 per hour. You may list the spread in salaries per category. For example, Janitors = $8.75 to $11.00 per hour, Bus drivers = $9.75 to $12.00 per hour, etc.

**1** Your district's salary schedule should be inserted in place of this paragraph. The remainder of the policy should remain in the policy. It's important to note that any changes to the salary schedule must go through the PPC and the Board adopt the policy with the actual salary schedule included in the adopted policy. The following definition can be used to ensure you have included the data they will be looking for when you are reviewed.

"Classified Salary Scheduleis a set of matrices that are updated and published each school year, which contains the minimum salaries for all five classifications of classified employees and includes ranges, steps, and rates of pay. The salary schedule is required to reflect the actual pay practices of the district."

**3** This is optional language, but can be useful when trying to attract employees from the private work sector.

Cross Reference: Policy 1.9—POLICY FORMULATION

Legal Reference: A.C.A. § 6-17-2203

 A.C.A. § 6-17-2301

DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites

Date Adopted: September 3, 2002

Last Revised: June 29, 2023

**8.2— CLASSIFIED PERSONNEL EVALUATIONS**

Classified personnel may be periodically evaluated.

Any forms, procedures or other methods of evaluation, including criteria, are to be developed by the Director, but shall not be part of the personnel policies of the school.

Cross Reference: 3.2—LICENSED PERSONNEL EVALUATIONS

Legal Reference: A.C.A. S 6-17-2301

Date Adopted: October 21, 2003

Last Revised: May 23, 2006

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# 8.3—EVALUATION OF CLASSIFIED PERSONNEL BY RELATIVES

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

Notes: This policy is similar to Policy 3.3. If you change this policy, review 3.3 at the same time to ensure applicable consistency between the two.

This policy is optional and is **not** required by any statute.

Date Adopted: October 21, 2003

Last Revised:

**8.4— CLASSIFIED EMPLOYEES DRUG TESTING**

**Definitions**

“Clearinghouse” means the Federal Motor Carrier Safety Administration Commercial Driver's License Drug and Alcohol Clearinghouse.

“Database” means the Commercial Driver Alcohol and Drug Testing Database of the Office of Driver Services of the Arkansas Department of Finance and Administration.

“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 District; and
3. Is operated for the transportation of students from home to school, from school to home, or to and from school events.**1**

**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 drivers license authorizing the individual to operate the size school bus the individual is being hired to drive**2**;
2. Have undergone a physical examination, which shall include a drug test,**3** by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certification of school bus driver in service training.**4**

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.**5**
* The employee submitting an electronic authorization through the Clearinghouse for the District to run a fully query of the employee’s information in the Clearinghouse; and
* The employee’s signing a written authorization for the District to request information from:
* The Database;**6** and
* Any U.S. Department of Transportation regulated employers who have employed the employee during any period during the two (2) years prior to the date of the employee’s application.

All employees who perform safety- sensitive functions shall annually**7** submit a written authorization for the District to conduct a limited query of the employee’s information from the Clearinghouse. The District shall perform a limited query of all employees who perform safety-sensitive functions at least once each school year.

**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.**5**

**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 above 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 the director 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, or 2) one or more motor vehicles incurs 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.**6**

**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.**9**

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, articulatable observations concerning the behavior, speech, or body odors of the driver. The Director or his/her designee 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 or his/her designee shall remove the driver from reporting for, or remaining on, duty for a minimum of twenty-four (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 no less than twenty-four (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.

**Reporting Requirements**

The District shall report the following information about an employee who performs safety-sensative functions to the Clearinghouse by the close of the third (3rd) business day following the date the District obtained the information:**10**

1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative return-to-duty test result;
3. A refusal to take an alcohol test;
4. A refusal to test determination; however, if the refusal to test determination is based on the employee’s admission of adulteration or substitution of the specimine, the District shall only report the admissions made to the specimen collector; and
5. A report that the driver has successfully completed all follow-up tests as prescribed in the Substance Abuse Professional report.

The District shall report the following violations for an employee who performs safety-sensitive functions by the close of the third (3rd) business day following the date the District obtains actual knowledge of:**11**

1. On-duty alcohol use;
2. Pre-duty alcohol use;
3. Alcohol use following an accident; and
4. Controlled substance use.

Notes: You are required to give drivers a copy of the procedures that will be used in the testing for drugs and alcohol. If you are following your own policy in this regard, give your drivers a copy of that policy; if you’re using a drug testing company to administer the tests, give your drivers a copy of the test administration procedures.

You are required to provide your drivers the name of the person you have designated to answer your drivers’ questions about the materials you give them regarding drug and alcohol testing.

You are also required to give your employees “information pertaining to the effects of alcohol and controlled substance use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver’s or a co-worker’s); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.”

Give a copy of this policy to your drivers.

Have your drivers sign an acknowledgement that they have received all of the information contained in this policy and these footnotes.

**1** You have the option of also requiring an alcohol test, but you may not selectively require it, i.e. if you require it for one prospective employee you must require it for all prospective employees.

**2** The level of driver’s license the employee is required to have is determined by the seating capacity or weight of the vehicle. There are vehicles that meet the definition of a school bus but do not require that the employee hold a commercial driver’s license in order to operate the vehicle; however, any school bus that meets one of the following must be driven by an individual with a commercial driver’s license:

1. Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
2. Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
3. Small Vehicle (Group C) that does not meet Group A or B requirements but that either:
* Is designed to transport 16 or more passengers, including the driver; or
* Is of any size and is used in the transportation of hazardous materials.

**3** A.C.A. § 6-19-108(f) requires extracurricular trips be made only by certified bus drivers who have a valid proof of in service training certification.

**4** While A.C.A. § 6-19-108(e) permits a district to hire a non-certified bus driver in an emergency situation, 49CFR382.301 forbids a first time driver (employee) from performing any safety sensitive functions prior to the district receiving a negative drug test for the employee. Therefore, ASBA advises not hiring a bus driver under A.C.A. § 6-19-108(e) until he/she has had a negative drug/alcohol test.

**5** While the provisions for fines contained in 27-23-209 do not apply to school districts, school districts are still required to comply with this law. It is for this reason, along with simple prudence in not hiring a person who receives a positive drug/alcohol test, that this language is included. The request for information required by the state is in addition to the federal requirement (49CFR40.25(a)(b)) that you request drug and alcohol test results from any U.S. Department of Transportation regulated employers who have employed the employee during any period during the two years prior to the date of the employee’s application.

**6** Students are not required to be transported on a school bus as long as the transporting vehicle is not scheduled for a regularly occurring route or takes a route that contains frequent stops to pick up or drop off students.

**7** Employers are required to report to the Office of Driver Services of the Revenue Division of the Department of Finance and Administration within three (3) business days the results of an alcohol test if it was performed due to cause or as part of random testing and the results were positive or the employee refused to provide a specimen for testing.

**8** The drivers required to have a teaching license as a prerequisite for their job are covered by Policy 3.7. Federal law requires you to remove them from safety-sensitive functions when a drug or alcohol related problem exists, but does not enter into the realm of dismissing them from their teaching duties. Bus drivers who are not also teaching licensed personnel are covered under this policy and may be dealt with given the specific provisions of their employment. ASBA recommends that licensed employees who are hired for driving a bus in addition to their teaching responsibilities be hired under separate contracts for each position.

**9** The drivers required to have a teaching license as a prerequisite for their job are covered by Policy 3.7. Federal law requires you to remove them from safety-sensitive functions when a drug or alcohol related problem exists, but does not enter into the realm of dismissing them from their teaching duties. Bus drivers who are not also teaching licensed personnel are covered under this policy and may be dealt with given the specific provisions of their employment. ASBA recommends that licensed employees who are hired for driving a bus in addition to their teaching responsibilities be hired under separate contracts for each position.

**10** When submitting a report, you are required to include all of the following information, as applicable, and provide a copy of the submitted information to the employee, which the employee should sign off on having received:

1. The reason for the test;
2. Employee’s name, date of birth, and CDL number and State of issuance;
3. District name, address, and USDOT number;
4. Date of the test;
5. Date the result was reported; and
6. Test result, which must be one of the following:
* Negative, which is only required for return-to-duty tests;
* Positive; or
* Refusal to take a test, which shall include the following additional documentation for an employee’s refusal to take a test due to the employee’s failure to appear for the test:
* Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the employee was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
* Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);
* Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a employee performing safety-sensitive functions when the reported refusal occurred (if applicable); and
1. Documentation, including a certificate of service or other evidence, showing that the District provided the employee with all documentation reported under paragraphs (a) through (f) above.

**11** When submitting a report, you are required to include all of the following information, as applicable, and provide a copy of the submitted information to the employee, which the employee should sign off on having received:

1. Employee’s name, date of birth, CDL number and State of issuance;
2. District name, address, and USDOT number;
3. Date the District obtained actual knowledge of the violation;
4. Witnesses to the violation, if any, including contact information;
5. Description of the violation;
6. Evidence supporting each fact alleged in the description of the violation, which may include, but is not limited to:
* Affidavits;
* Photographs;
* Video or audio recordings;
* Employee statements unless the admission is made in conformity with the District’s written employer voluntary self-identification program or policy;
* Correspondence; or
* Other documentation; and
1. A certificate of service or other evidence showing that the District provided the employee with all information reported under paragraphs (a) through (f) above.

This policy is similar to Policy 3.7. If you change this policy, review 3.7 at the same time to ensure applicable consistency between the two.

Legal References: A.C.A. § 6-19-108

A.C.A. § 6-19-119

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. § 383.5

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: October 21, 2003

Last Revised: June 28, 2021

**8.5— CLASSIFIED EMPLOYEES SICK LEAVE**

1. “Employee” is an employee of the school working 40 or more hours per week who is not required to have a teaching license as a condition of his employment.
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; 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: school policy; 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 month worked, or major part thereof.**1**
6. “Accumulated Sick Leave” is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contracts, but not used. Accumulated sick leave also includes the sick leave transferred from an employee’s previous public school employment.**2**
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 employee.

**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. Except for bonding time, documentation shall be provided by the employee upon request.**3**

Pay for sick leave shall be at the employee’s daily rate of pay, which is that employee’s hourly rate of pay times the number of hours normally worked per day. 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.

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 district operations or student services.

Payment for unused sick leave shall be made from the general 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, and Workers Comp) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.36, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, and Workers Comp, shall be subject to discipline up to and including termination.

Notes: This policy is similar to Policy 3.8B. If you change this policy, review 3.8B at the same time to ensure applicable consistency between the two.

 **1** For classified employees your district has the choice of crediting sick leave days up front as is done for licensed employees, or of crediting sick leave at the rate of one day per month worked. Choose your method and delete the portion of this sentence that doesn't reflect your choice.

**2** A.C.A. § 6-17-1206(b)(2) requires that leave transferred from prior public school employment be used first. In addition, 1206(b)(3) requires that the leave, if any remains, ~~must~~ be included in the total count of accumulated sick leave if the district pays out unused sick leave upon retirement. While the statute only applies to licensed employees, we have included the language here for consistancy.

**3** This paragraph is optional. Leave for adoption is protected by FMLA, but FMLA leave is unpaid unless otherwise provided for in policy. By including this paragraph, you would allow the employee to receive sick leave pay for the days missed during the adoption process. If you choose to include it, select the number of days of sick leave an employee may use annually for the adoption/bonding process (15 is not a required number of days).

Cross References: 8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT

8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES

AND WORKERS’ COMPENSATION

Legal References: A.C.A. § 6-17-1301 et seq.

 29 USC §§ 2601 et seq.

29 CFR 825.100 et seq.

Date Adopted: October 21, 2003

Last Revised: April 26, 2016

**8.6—SICK LEAVE BANK — CLASSIFIED EMPLOYEES**

A sick leave bank is established for the purpose of permitting classified employees, upon approval, to obtain sick leave in excess of accumulated and current sick leave, when the classified employee has exhausted all such leave. Only those non-certified 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 Classified Sick Leave Bank Committee. That committee shall consist of three (3) members: two (2) classified employees and one (1) administrator.

The terms of the committee shall be for three years with two members 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, but is not obligated to, grant sick leave up to (10) ten days per contract year 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 a legally married couple 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.

Notes: This policy is TOTALLY OPTIONAL. The law clearly permits, but does not

require, the formation of a sick leave pool or bank. Before you adopt this policy,

consider the following:

* Can you afford it? Where are the sick leave days going to come from? Some districts give a sick leave committee the freedom to simply manufacture unearned sick leave days to distribute to applicants. Others take the more conservative route of requiring employees to donate earned days for redistribution. The most conservative route of all is to only allow donors to the bank to apply for a sick leave award, to strictly limit the number of days and/or the number of times any individual can request an award, or only permitting direct donation (individual to individual).
* Our policy does not mix licensed and classified sick leave days, due to the value discrepancy. A $75 classified day could end up costing the district a $300 daily salary rate as well as the cost of the substitute, (transferring from a lower paying classified employee to a higher-paid teacher) and the difference would be absorbed by the school district. If you chose to merge sick leave banks, and have only one for all employees, please be mindful of this financial consideration. See footnote #2 below.
* What will the effect be on the education of students or the efficient operation of a school or the district? **Any** liberalization of sick leave results in more sick leave being used; the more liberal the policy or the more generous the sick leave pool or bank, the greater the demand for supplementary sick leave and the more days will be missed from work. A sick leave pool or bank takes a sick leave day away from someone who is highly unlikely to use it and transfers it to someone who is 100% likely to use it.
* Sick leave, and a sick leave pool or bank was never intended to be a substitute for disability insurance in the event of a serious or long term illness. It simply cannot supply the long term income needs of persons who have become disabled and are unable to continue to work. Employees should be encouraged to consider purchasing supplemental disability insurance rather than rely on the pool or bank for such purposes. Districts may wish to consider adding this as a fringe benefit if the district’s financial condition permits.
* Some districts use a sick leave pool or bank like the appointed committee suggests in the model policy; others simply use the existing Personnel Policies Committee rather than have to create an additional committee. Other districts have reported that committee members themselves dislike and are uncomfortable with the committee structure, and have asked for policy changes, giving the responsibility for administering sick leave bank requests to the superintendent or to another central office administrator. The decision-maker issue is something to consider carefully.

This policy is similar to Policy 3.9. If you change this policy, review 3.9 at the same time to ensure applicable consistency between the two.

**1** ASBA recommends that each of the five (5) categories of classified employees designated in A.C.A. § 6-17-2303 have ~~one~~ a representative on the committee. The five categories are

1. Maintenance and operations;
2. Transportation;
3. Food service;
4. Secretarial and clerical; and
5. Aids and paraprofessionals.

**2** You may choose to include, or not include, this optional sentence. It is also allowable to have a stand-alone policy for this sentence if your district otherwise chooses not to have a sick leave bank. The rate of pay would be determined by the employee receiving the lower wage. For example, one spouse might be licensed and the other classified. If the licensed employee received a day of sick leave from his/her spouse who is a classified employee making a lower wage, the sick leave would be valued at the lower wage. Example:  Teacher, whose daily rate is $150 a day, has a sick leave day transferred to her by her husband, who works as a custodian and whose daily rate is $75.  She would be credited $75 for the day instead of $150, due to her husband’s donation (or ½ the teacher’s rate for sick leave).

Legal Reference: A.C.A. § 6-17-1306

Date Adopted: October 21, 2003

Last Revised: April 26, 2016

**8.7— CLASSIFIED PERSONNEL PERSONAL AND PROFESSIONAL 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)**1** days of personal leave per contract year.

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 8.5, for professional leave see below).

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

1. Athletic or academic events related to a public school; and
2. Meetings and conferences related to education.

The determination of what activities meet the definition of a school function shall be made by the Director. 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 the Director at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the Director when the Director deems it appropriate.

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). Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination.

Personal leave that is not used at the end of a contract year may be transferred to sick leave at the employee’s request.3

Personal leave may not be taken the day before or the day after a holiday.**4**

**Professional Leave**

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., 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 then two (2) weeks before the requested leave is to begin, if possible.

If the employee does not receive or does not accept remuneration for their 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, 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.5

Notes: While you are not required to provide employees with personal days, you are required to have a policy that requires employees who are absent from the district to take either personal days or leave without pay.

Please note that the provisions of A.C.A. § 21-4-216 which gives state employees eight (8) hours of paid leave to attend their children’s school educational activities, do **NOT** apply to public school employees.

**1** If your district gives personal days, insert the number of days given.

**2** Choose the number of hours or portion of a work day that is the minimum that may be taken at any one time.

**3** This sentence is optional.

4 This sentence is optional.

 **5**Choose whether the employee or the district will pay the cost of the employee.

Legal Reference: A.C.A. § 6-17-211

Date Adopted: May 15, 2007

Last Revised: April 26, 2016

8.8— CLASSIFIED 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 school administrators 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. The Director should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.**1**

Notes: This policy is similar to Policy 3.12. If you change this policy, review 3.12 at the same time to ensure applicable consistency between the two.

**1** For example, if a sex offender parent will arrive for conferences at the same time as other parents, staff should escort additional parents to their student’s classroom, not just the sex offender parent. All principals, designees, and school employees who will or may have contact with the sex offender parents shall be required to keep confidential both the sex offender status and sex offender accommodations made for a parent.

Legal Reference: A.C.A. § 5-14-132

A.C.A. § 12-12-913 (g) (2)

Division of Elementary and Secondary Education Guidelines for “Megan’s Law”

Date Adopted: May 15, 2007

Last Revised: June 27, 2019

**8.9—PUBLIC OFFICE – CLASSIFIED PERSONNEL**

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) shall not be discharged or demoted as a result of such service.

No 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 absence.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he 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 employment contract.

Note: This policy is similar to Policy 3.13. If you change this policy, review 3.13 at the same time to ensure applicable consistency between the two.

Cross Reference: Policy # 8.17—Classified Personnel Political Activity

Legal Reference: A.C.A. § 6-17-115

Date Adopted: October 21, 2003

Last Revised: April 26, 2016

**8.10—JURY DUTY – CLASSIFIED PERSONNEL**

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) of the 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.1

**Notes:** This policy is similar to Policy 3.14. If you change this policy, review 3.14 at the same time to ensure applicable consistency between the two.

**1** This sentence is totally optional. Please note that public employees are exempt by law from jury duty recovery fees. Since school employees are not state employees, the law does not apply, but you may be asked about it by an employee.

Legal Reference: A.C.A. § 16-31-106

Date Adopted: October 21, 2003

Last Revised: June 22, 2010

**8.11—OVERTIME, COMPTIME, and COMPLYING WITH FLSA**

The Imboden Area Charter School shall comply with those portions of the Fair Labor Standards Act (FLSA) that relate to the operation of public schools. The FLSA requires that covered employees receive compensation for each hour worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to forty (40) hours.**A** It also requires that employees be compensated for workweeks of greater than forty (40) hours at one and a half (1 ½) times their regular houry rate of pay, either monetarily**B** or through compensatory time off**C**.

## Definitions

“Covered Employees” (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

“Exempt Employees” are those employees who are not covered under the FLSA.**D** They include administrators and professional employees such as teachers, counselors, registered nurses, and supervisors.**1** Any employee who is unsure of their coverage status should consult with the District’s Administration.

“Overtime” is hours worked in excess of forty (40) per workweek. Compensation given for hours **not** worked such as for holidays or sick days do **not** count in determining hours worked per workweek.**E**

“Regular Rate of Pay” includes all forms of remuneration for employment**2** and shall be expressed asan hourly rate.**F** For those employees previously paid on a salary basis, the salary shall be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

“Straight time pay” is the amount of hourly compensation an employee receives for each hour worked during that week.

“Workweek” is the seven day consecutive period of time from 12:00AM on Sunday to midnight on the following Saturday.**3** Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.**G**

## Employment Relationships

The school does not have an employment relationship in the following instances:

* Between the school and student teachers;
* Between the school and its students;
* Between the school and individuals who as a public service volunteer or donate their time to the school without expectation or promise of compensation.

The school does not have a joint employment relationship in the following instances:

a. Between the school and off-duty policemen or deputies who are hired on a part-time basis for security purposes or crowd control. The school is separate from and acts independently of other governmental entities.

b. Between the school and any agency contracted with to provide transportation services, security services, or other services.

## Hours Worked

Employees shall be compensated for all the time they are required to be on duty**H** and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week.**I**

The school shall determine the manner to be used by employees to accurately record the hours they work. Each employee shall record the exact time they commence and cease work including meal breaks. Employees arriving early may socialize with fellow workers who are off the clock, but shall not commence working without first recording their starting time.**J**

Employees shall sign in/clock in where they start work and sign out/clock out at the site where they cease working.Employees who do not start and end their workday at the same site shall carry a time card or sheet with them to accurately record their times. They shall turn in their time sheets or cards to the Director no later than the following Monday morning after reviewing them to be sure that they accurately reflect their hours worked for that week.**4**

Each employee is to personally record his or her own times. Any employee who signs in or out (or who punches a time clock) for another employee or who asks another employee to do so for him or her will be dismissed.

Employees whose normal workweek is less than forty (40) hours and who work more than their normal number of hours in a given workweek may, at the school’s option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as compensatory time given in lieu of overtime pay.

## Breaks and Meals

Each employee working more than twenty (20) hours per week shall be provided two (2), paid, fifteen (15)-minute duty free breaks per workday.**K**

Meal periods that are less than thirty (30) minutes in length or in which the employee is not relieved of duty are compensable.L  Employees with a bona fide meal period shall be completely relieved of their duty to allow them to eat their meal, which they may do away from their work site or in a break area.

The employee shall not engage in any work for the school during meal breaks except in rare and infrequent emergencies.

## Overtime

Covered employees shall be compensated at not less than one and a half (1.5) times his or her regular rate of pay for all hours worked over forty (40) in a workweek.**M** Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or the school. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned.**N**

The rate of overtime pay for employees who work two (2) or more jobs for the school at different rates of pay shall be determined by creating a weighted average of the different rates (a.k.a. blended rate).**O** The weighted average will be calculated by multiplying the number of hours worked during that week for each position by the position’s rate of pay, combining the resulting amounts for each position (straight time pay), and dividing the straight time pay by the total number of hours the employee worked in that week. The weighted average will then be multiplied by one half (0.5), which will then be multiplied by the number of hours the employee worked that week over forty (40).**5**

Provided the employee and the school have a written agreement or understanding before the work is performed,**P** compensatory time off may be awarded in lieu of overtime pay for hours worked over forty (40) in a workweek and shall be awarded on a one-and-one-half (1 1/2) time basis for each hour of overtime worked.**Q** The school reserves the right to determine if it will award compensatory time in lieu of monetary pay for the overtime worked. The maximum number of compensatory hours an employee may accumulate at a time is twenty (20)6. The employee must be able to take the compensatory time off within a reasonable period of time that is not unduly disruptive to the school.

An employee whose employment is terminated with the school, whether by the school or the employee, shall receive monetary compensation for unused compensatory time. Of the following methods, the one that yields the greatest money for the employee shall be used.

1. The average regular rate received by the employee during the last 3 years of employment. Or
2. The final regular rate received by the employee.**R**

## Overtime Authorization

There will be instances where the school’s needs necessitate an employee work overtime. It is the Board’s desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from the Director in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.

All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action shall be taken for failure to follow School policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

## Leave Requests

All covered employees shall submit a leave request form prior to taking the leave if possible. If, a request for leave was not possible in advance, due to unforeseen or emergency circumstances, the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within School policy.

Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form. Leave may be taken in a minimum of four (4) hour increments.7

## Record KeepingS and PostingsT

The school shall keep and maintain records as required by the FLSA for the period of time**U** required by the act.**8**

The school shall display minimum wage posters where employees can readily observe them.**9**

## Cooperation with Enforcement OfficialsV

All records relating to the FLSA shall be available for inspection by, and school employees shall cooperate fully with, officials from the Department of Labor (DOL) and/or its authorized representatives in the performance of their jobs relating to:

a. Investigating and gathering data regarding the wages, hours, and other conditions and practices of employment;

b. Entering, inspecting, and/or transcribing the premises and its records;

c. Questioning employees and investigating such facts as the inspectors deem necessary to determine whether any person has violated any provision of the FLSA.

**Notes: 1**Registered nurses fall under the “Learned Professional” exemption of the FLSA; however, this exemption does not apply to LPNs.

While the DOL removed the bright line rule that a supervisor may not spend more than twenty percent (20%) of work time in a week performing non-supervisory duties, a supervisor must still commit a majority of time to supervisory duties and the higher the percentage of time each week the better.

Except for teachers and other staff whose primary job duties requires the employee to have a valid teaching license, in order for an employee to be an exempt employee under this policy, the Wage and Hour Division of the DOL requires the employee to receive a minimum amount of gross income on a weekly or annual basis. Currently, an employee must receive a minimum of six hundred eighty-four dollars ($684) a week or $35,568 annually to be exempt.

**2** If you provide your employee a benefit in the form of goods or a facility, the reasonable cost or the fair value of the lodging (per week) must be added to the cash wages before the regular rate is determined.

**3** Select any consecutive one hundred sixty-eight (168) hours period (seven (7) days) that will work best for your district.

**4** Devise a system that will work for your district. The point is to have an accurate and verifiable record of the hours worked by each employee. While carrying time cards around can be a hassle, you don’t want to lose excessive worktime from an employee having to walk excessively to and from their time sheet. Time clocks are obviously an accurate and verifiable record of hours worked, but they are not without drawbacks. First, they are not cheap to initially purchase and then to configure for your district as a whole. Second, employees can unintentionally take less than thirty (30) minute meal times (by forgetting the exact time they clock out), which makes that time compensable.

**6** Example: Employee has two (2) jobs for the district that each pay a different rate: job A pays eight dollars ($8) per hour and job B pays ten dollars ($10) per hour. One week, Employee works fifty (50) hours: twenty-six (26) hours for job A and twenty-four (24) hours for job B. 26 hours at $8 = $208 and 24 hours at $10 = 240. $208 + $240 = $448 (straight time pay). $448 divided by 50 = $8.96 (weighted average). $8.96 X 0.5 = $4.48. $4.48 X 10 hours = $44.80. $448 + $44.80 = $492.80. Therefore, the employee will be paid four hundred ninety-two dollars and eighty cents ($492.80) for the week.

The reason why it appears that a person who works two differently paid jobs receives such a small amount per hour for overtime pay is because the payment formula takes into account that you have already paid the person their standard rate of pay for the additional hours worked as part of the employee’s straight time pay so you are only needing to determine the additional one half (0.5) the employee is eligible to receive for each hour of overtime. For more information visit <http://www.twc.state.tx.us/news/efte/i_employees_two_rates.html>.

**6** You may choose any number **<** 240. In determining the number to insert remember that you must permit the employee to use the comp time within a “reasonable” period of time so long as it does not “unduly disrupt” the district’s operations. Comp time does not have to be offered to all employees, nor does the agreement have to be the same for all employees.

**7** The DOL does not recognize leave in the form of “days” for hourly employees even though that is how Arkansas law (A.C.A. § 6-17-1304) prescribes them. The DOL requires they be attributed in hourly allotments. You can choose the minimum amount of leave that may be used at one time.

**8** 29 CFR § 516.2 –516.9 and 29 CFR § 553.50 list the records that are required to be kept.

**9** The district must display minimum wage posters in “conspicuous places” (each work site). They can be downloaded from the DOL by going to <http://www.dol.gov/whd/regs/compliance/posters/flsa.htm>

Legal References: **A:** 29 USC § 206(a), ACA § 6-17-2203

 **B:** 29 USC § 207(a)(1), 29 CFR § 778.100

 **C:** 29 USC § 207(o), 29 CFR § 553.50

 **D:** 29 USC § 213(a), 29 CFR §§ 541 et seq.

 **E:** 29 CFR § 778.218(a)

 **F:** 29 USC § 207(e), 29 CFR § 778.108

 **G:** 29 CFR § 778.105

 **H:** 29 CFR §§ 785.9, 785.16

 **I:** 29 CFR § 516.2(7)

 **J:** 29 CFR §§ 785.1 et seq.

 **K:** A.C.A. § 6-17-2205 and 2207

 **L:** 29 CFR §§ 785.19

**M:** 29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20 – 553.32

 **N:** 29 CFR § 778.106

 **O:** 29 USC § 207(g)(2), 29 CFR § 778.115

 **P:** 29 USC § 207(o)(2)(A), 29 CFR § 553.23

 **Q:** 29 CFR § 553.20

 **R:** 29 USC § 207(o)(4), 29 CFR § 553.27

 **S:** 29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50

 **T:** 29 CFR § 516.4

 **U:** 29 CFR §§ 516.5, 516.6

 **V:** 29 USC § 211(a)(b)

Date Adopted: October 21, 2003

Last Revised: March 2, 2020

**8.12— CLASSIFIED 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 which 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 which 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 classified employee is additionally employed by the School by a contract for a second classified position or to perform supplementary duties for a stipend or multiplier, the duties, expectations, and obligations of the primary 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 position and any other contracted position, the 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 conflicting contract of employment or the contract to perform the supplementary duties.

For employees who work two or more jobs for the School, the Director shall specify which is the employee's primary job. If circumstances change, the determination can be changed to reflect the current needs of the School. Furthermore, if on any given day, one of the employee's jobs requires more hours worked than is customary, the School reserves the right to lessen the number of hours the employee may work in his/her other job such that the employee does not exceed forty (40) hours worked in that week.**1**

**Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, and Workers Comp) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.26, if an employee who works a non-school job while taking school sick leave for personal or family illness or accident, or Workers Comp shall be subject to discipline up to and including termination.

Notes: This policy is similar to Policy 3.18. If you change this policy, review 3.18 at the same time to ensure applicable consistency between the two.

**1** The fact that a district may reduce an employee's hours for one job due to extra hours being worked in the employee's second job does NOT permit the district to require the same duties in the reduced hours job, but merely pay for it to be done in fewer hours. Please also note that districts are obligated under the Fair Labor Standards Law (FLSA) (see policy 8.11) to pay every hourly employee (other than those few classified employees who meet FLSA's definition of "supervisor") for every minute worked. Classified employees' wages have to be based on an hourly wage even if paid as a salary; there are methods for determining the "blended" rate for employees working more than 40 hours in a week who are paid on the basis of more than one hourly wage. These requirements also apply to the calculation of stipends.

Cross References: 8.5—CLASSIFIED EMPLOYEES SICK LEAVE

8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION

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

Date Adopted: October 21, 2003

Last Revised: July 15, 2015

**8.13— CLASSIFIED 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 provided is 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 application information is discovered to be other than as was represented by the employee, either in writing on application materials or in the form of representations 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.**1** All classified employees shall complete, at District expense, a criminal records background check and Child Maltreatment Central Registry check at least on (1) time every five (5) years.

An employee who receives notification of a failure to pass a criminal background check or a true result on the Child Maltreatment Central Registry check shall have thirty (30) days following the notification to submit to the Director a written request for a hearing before the Board to request a waiver. The written request should include any documentation, such as police reports, or other materials that are related to the event giving rise to the failed background check or true result on the Child Maltreatment Registry as well as information supporting your request for the waiver. Employees requesting a board hearing to request a waiver should be aware that this hearing is subject to the Arkansas Freedom of Information Act and it must be fully open to the public as a result.

For unlicensed individuals employed as teachers or administrators under a waiver, all teachers who begin employment in the 2023-2024 school year and each school year thereafter shall demonstrate proficiency or awareness in knowledge and practices in scientific reading instruction as is applicable to their teaching position by completing the prescribed proficiency or awareness in knowledge and practices of the scientific reading instruction credential either as a condition of licensure or within one (1) year for teachers who are already licensed or employed as a teacher under a waiver from licensure.**2**

Before the Director may make a recommendation to the Board that an individual be hired by the School, the Director shall check the Arkansas Educator Licensure System to determine if the individual has a currently suspended or revoked teaching license or a current Level 3 or Level 4 public notification of ethics violation. 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. An individual with a current Level 3 or Level 4 public notification of ethics violation shall not be recommended for employment by the School.

If the Director finds probable cause that an employee has engaged in sexual misconduct with a minor, then the Director or Director’s designee shall not provide favorable recommendation of employment on behalf of the employee.

The School is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, age, disability, or genetic information.**3**

Inquiries on non-discrimination may be directed to the Director**4**, who may be reached at mwells@iacs.k12.ar.us, PO Box 297, Imboden, AR 72434, (870) 869-3015**5**.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided above. A report may be made at any time, including during non-business hours, and may be on the individual’s own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

For further information on notice of non-discrimination or to file a complaint,, visit [https://www2.ed.gov/about/offices/list/ocr/complaintintro.html;](https://www2.ed.gov/about/offices/list/ocr/complaintintro.html;%20) for the address and phone number of the office that serves your area, or call 1-800-421-3481.

In accordance with Arkansas law**6**, 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; and
3. a deceased veteran’s spouse who is unmarried throughout the hiring process.

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 veteran’s 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.

Notes: This policy is similar to Policy 3.19. If you change this policy, review 3.19 at the same time to ensure applicable consistency between the two.

 A.C.A. § 6-16-1507 requires that earning a high school diploma through the passage of a nationally recognized high school equivalency exam, such as the GED test, be treated the same as the receipt of a high school diploma from an accredited Arkansas secondary school for purposes of employment by a political subdivision of the State of Arkansas, which includes school districts.

**1** An expunged, sealed, or pardoned conviction shall not disqualify a person from employment unless the conviction involves the physical or sexual injury, mistreatment, or abuse of another.

**2** If you do not have a waiver to employ individuals as teachers or administrators without a license, remove this paragraph.

**3** A copy of the non-discrimination statement should be included in all district publications unless the publication is intended only for students and parents. Publications intended only for students and parents should include the nondiscrimination clause in Policy 4.11—EQUAL EDUCATIONAL OPPORTUNITY.

**4** Insert the position(s) designated to be contacted on discrimination inquiries. If you have different positions designated to answer questions on disability discrimination (504 coordinator) and sex discrimination (Title IX coordinator), then you will need to include the position responsible for each area. Do not include the name(s) of the person(s) to be contacted in the policy; changing the name of the person (due to a staffing change) would necessitate amending the policy, which would require it to go through the entire adoption process.

**5** Insert the office address, ~~and~~ phone number, and email address to be used to contact the designated position. If you have more than one position designated as set forth in footnote 3, you will need to include a contact number, email address, and office address for each position. The contact number and office address may be the school/district address and phone number. We recommend making the email address specific to the position, such as titleix@districtdomain.org, and having the emails sent to the coordinator’s inbox to prevent having to amend the policy due to staff changes.

While 34 C.F.R. § 106.8 requires that an individual be able to submit a report, including by telephone both inside and outside of business hours, we do not believe that this requires that the Title IX Coordinator must be on-call to receive phone calls at any time; instead, the number provided for individuals to use must allow individuals wanting to report sexual discrimination or sexual harassment to the Title IX Coordinator to be able to leave a voice message for the Title IX Coordinator.

**6** A.C.A. § 21-3-301 et seq. includes public schools in the list of employers required to provide a preference to applicants who qualify for a veteran or a deceased veteran's spouse category when selecting interview candidates, during the interview process, and in selecting a new employee.

A.C.A. § 21-3-302 covers the requirements for giving a veteran preference during the application, interview, and hiring processes. The statute does not require districts to use a particular scoring method to demonstrate giving a preference and districts can continue using the system they have previously been using. However, A.C.A. § 21-3-302 and A.C.A. § 21-3-303 require districts be able to demonstrate that any qualifying applicant was given a preference during the entire application, interview, and hiring processes.

If a veteran who is not hired requests, the district must provide the veteran with his/her base score, adjusted score, and the successful candidate's score. While there is no statutorily required method, ASBA suggests districts use a numerical scoring rubric for the entire hiring process. The use of such a rubric makes it easy to demonstrate a preference was given as you can point to where qualifying applicants received additional points. Districts that don't use a numerical scoring method are required, upon a veteran's request, to provide all documentation allowed to be released under FOIA to the veteran to demonstrate how the preference was used to develop the list of qualified candidates to be interviewed and to select the person actually hired.

Legal References: Division of Elementary and Secondary Education Rules Governing Background Checks

Division of Elementary and Seconday Education Rules Governing the Code of Ethics for Arkansas Educators

A.C.A. § 6-16-1507

A.C.A. § 6-17-301

A.C.A. § 6-17-414

A.C.A. § 6-17-428

A.C.A. § 6-17-429

A.C.A. § 21-3-302

A.C.A. § 21-3-303

A.C.A. § 25-19-101 et seq.

28 C.F.R. § 35.106

29 C.F.R. part 1635

34 C.F.R. § 100.6

34 C.F.R. § 104.8

34 C.F.R. § 106.8

34 C.F.R. § 106.9

34 C.F.R. § 108.9

34 C.F.R. § 110.25

Date Adopted: October 21, 2003

Last Revised: June 29, 2023

**8.14— CLASSIFIED 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 employee’s attendance/travel was at the request of the school.

It is the responsibility of the employee to determine the appropriate supervisor from which he/she must obtain approval.

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.

**Note:** This policy is similar to Policy 3.20. If you change this policy, review 3.20 at the same time to ensure applicable consistency between the two.

Cross Reference: Policy 7.12—EXPENSE REIMBURSEMENT

Date Adopted: October 21, 2003

Last Revised: March 15, 2011

# 8.15— CLASSIFIED PERSONNEL USE OF TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS

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.

**Notes:** This policy is similar to Policy 3.21. If you change this policy, review policy 3.21 at the same time to ensure applicable consistency between the two.

The statute requires posting the statute "…in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport students"

This model policy tracks the state law referenced below. It is not required to be in District policies, but it could be useful in informing employees of the statutory prohibition on all tobacco use.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: October 21, 2003

Last Revised: March 2, 2020

# 8.16—DRESS OF CLASSIFIED EMPLOYEES

Employees shall ensure that their dress and appearance are professional and appropriate to their positions. No jeans or shorts are allowed with the exception of the bus driver and the custodial staff. Appropriateness of dress will be determined by the Director.

Date Adopted: October 21, 2003

Last Revised:

**8.17— CLASSIFIED 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 employee’s responsibilities to the students and where a legitimate pedagogical reason exists.

Note: This policy is similar to Policy 3.23. If you change this policy, review 3.23 at the same time to ensure applicable consistency between the two.

Legal References: A.C.A. § 7-1-103

 A.C.A. § 7-1-111

Date Adopted: October 21, 2003

Last Revised: March 2, 2020

**8.18— CLASSIFIED 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 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 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 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.

**Note:** This policy is similar to Policy 3.24. If you change this policy, review 3.24 at the same time to ensure applicable consistency between the two.

Date Adopted: October 21, 2003

Last Revised: July 1, 2013

**8.19— CLASSIFIED 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**

**“**Employee” means any person employed under a written contract by this school district.

“Grievance” means a claim or concern raised by an individual employee of this school district related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal laws and regulations, state laws and rules; or terms or conditions of employment. 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” means a grievance that may be filed as a group if all of the following criteria are met and the group’s issue is a subject that may be grieved under this policy’s definition of grievance:

1. More than one individual has interest in the matter; and

2. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and

3. The group has designated an employee spokesperson to meet with administration and/or the board; and

4. All individuals within the group are requesting the same relief.

Simply meeting all of the criteria above alone does not ensure that the subject presented by the group is eligible to be grieved.

“Immediate Supervisor” means the person immediately superior to an employee who directs and supervises the work of that employee.

“Working day” means any weekday other than a holiday whether or not the employee under the 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 that the Assistant Director that the employee has a potential grievance. Except for a grievance concerning back pay, the employee must inform his/her supervisor of the existence of a potential grievance within five (5) working days after the supervisor is informed of the existence of the potential grievance and 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. If the grievance is not advanced to Level Two within five (5) working 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 (5) 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 (10) 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 (10) 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 (10) working days in which to deliver a written response to the grievance to the employee. If the grievance is not appealed to the Board of Directors within five days of the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

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 Directors within five (5) working days of his/her receipt of the Director’s written response by submitting a written request for a board hearing to the board president, with a copy sent to the Director.2  If the grievance is not appealed to the Board of Directors within five (5) days of his/her receipt of the Director’s written response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The Board of Directors will address the grievance at their next regular meeting unless the employee agrees in writing to an alternate date for the hearing. Based on a review of the Level Two Grievance Form and the Director’s reply, the board shall decide if the grievance, on its face, is grievable under school policy. If the grievance is presented as a “group grievance,” the Board shall

1. For a grievance filed as an individual, determine if the grievance, on its face, is a subject that may be grieved under district policy.
2. For a grievance that is filed as a group grievance, review the composition of the group and either:
* Rule that the group has met the requirements to qualify as a group grievance and then determine whether the matter of the grievance is, on its face, a subject that may be grieved under District policy; or
* Rule that the composition of the group does not meet the definition of a group grievance under District policy.

If the Board rules that the grievance, whether filed as an individual or as a group, is not a subject that may be grieved, the matter shall be considered closed. If the Board rules that the composition of the group does not meet the definition of a group grievance under District policy, employees who had filed a grievance as part of a group grievance that the Board ruled to not meet the policy’s definition of a group grievance may choose to subsequently file an individual grievance by starting with Level One of the process; in such cases, a grievance will be considered to be timely filed if the notification of the employee’s supervisor requirement under Level 1 is made within five (5) work days of the Board meeting where the Board ruled that the proposed group grievance did not meet the policy’s definition of a group grievance. If multiple employees have filed individual grievances that are of the same nature so that they would meet the definition of a group grievance if they had been filed by a group, then the Board may consolidate the individual grievances that are of the same nature into a group grievance. If the Board consolidates individual grievances that are of the same nature into a group grievance, then the individuals whose grievances were consolidated shall select one (1) or more individuals from among those whose grievances were consolidated to represent the group grievance holders before the Board.

If the Board rules the grievance to be a subject tht may be grieved, they shall immediately commence a hearing on the grievance. All parties have the right to representation at the appeal hearing by a person of their own choosing who is not a member of the employee’s immediate family. The employee shall have no less than ninety (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 to the public, the parent or guardian of any student under the age of eighteen (18) 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.

**Notes:** This policy is similar to Policy 3.25. If you change this policy, review 3.25 at the same time to ensure applicable consistency between the two.

**1** It is important to understand the implications of the language contained in this paragraph. Only matters specified in the first sentence of the paragraph are, in fact, grievable, but that cannot prohibit an employee from filing a grievance which the administration does not deem to be grievable and nonetheless advancing it through the grievance process. Ultimately, it is the board that determines whether or not the matter is actually grievable by comparing the written grievance to the definition of grievance in the grievance policy, and continuing on with the hearing only if the grievance is determined to be within the definition. This is addressed in the “Appeal to the Board of Directors” paragraph.

**2** It is suggested that you date stamp the request for a board hearing upon receipt.

Legal Reference: ACA § 6-17-208.210

Date Adopted: October 21, 2003

Last Revised: June 29, 2023

**8.19F—LEVEL TWO GRIEVANCE FORM – CLASSIFIED**

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

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

No-certified Personnel Policy grievance is based upon: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

Assistant Director’s Response

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

Date Adopted: October 21, 2003

Last Revised:

**8.20— CLASSIFIED PERSONNEL SEXUAL HARASSMENT**

The Imboden Area Charter School District is committed to providing an academic and work environment that treats all students and employees 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 and work environment and will not be tolerated.

The School believes the best policy to create an educational and work environment free from sexual harassment is prevention; therefore, the School shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

* the nature of sexual harassment;
* The School’s written procedures governing the formal complaint grievance process;**1**
* The process for submitting a formal complaint of sexual harassment;
* That the school does not tolerate sexual harassment;
* That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
* The supports that are available to individuals suffering sexual harassment; and
* The potential discipline for perpetrating sexual harassment.

**Definitions**

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the School exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A School employee:
2. Conditions the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct;**2** or
3. Uses the rejection of unwelcome sexual conduct as the basis for academic decisions affecting that individual;**2**
4. The conduct is:
5. Unwelcome; and
6. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity; or
7. Constitutes:
8. Sexual assault;
9. Dating violence
10. Domestic violence; or
11. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the School’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; and 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 and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

* Making sexual propositions or pressuring for sexual activities;
* Unwelcome touching;
* Writing graffiti of a sexual nature;
* Displaying or distributing sexually explicit drawings, pictures, or written materials;
* Performing sexual gestures or touching oneself sexually in front of others;
* Telling sexual or crude jokes;
* Spreading rumors related to a person’s alleged sexual activities;
* Discussions of sexual experiences;
* Rating other students or employees as to sexual activity or performance;
* Circulating or showing e-mails or Web sites of a sexual nature;
* Intimidation by words, actions, insults, or name calling; and
* Teasing or name-calling 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 or transgender.

Employees who believe they have been subjected to sexual harassment are encouraged to submit a report to their immediate supervisor, an administrator, or the Title IX coordinator. 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 sexual harassment. If the School staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the School staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another School staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

* Discuss the availability of supportive measures;
* Consider the complainant’s wishes with respect to supportive measures;
* Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
* explain to the complainant the process for filing a formal complaint.

**Supportive Measures**

The School shall offer supportive measures to the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The School shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the School’s offer of supportive measures may request supportive measures at a later time and the School shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

**Formal Complaint**

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

* Notice of the District’s grievance process and a copy of the procedures governing the grievance process;
* Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
* The identities of the parties involved in the incident, if known;
* The conduct allegedly constituting sexual harassment; and
* The date and location of the alleged incident, if known;
* A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
* That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
* That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
* That the District’s personnel policies and code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the School shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the School has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

* Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
* Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
* Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
* Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
* Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
* Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
* Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
* Whether obtained from a party or other source,;
* The District does not intend to rely upon in reaching a determination regarding responsibility; and
* That is either Inculpatory or exculpatory; and
* Create an investigative report that fairly summarizes relevant evidence.

At least ten (10)**3** days prior to completion of the investigative report, the School shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)**3** days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties’ inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

* Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
* Provide each party with the answers;
* Allow for additional, limited follow-up questions from each party; and
* Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

No earlier than ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
3. Any notifications to the parties;
4. Interviews with parties and witnesses;
5. site visits;
6. Methods used to gather other evidence,; and
7. Hearings held;
8. Findings of fact supporting the determination;
9. Conclusions regarding the application of the School’s personnel policies or code of conduct to the facts;
10. A statement of, and rationale for, the result as to each allegation, including:
11. A determination regarding responsibility;
12. Any disciplinary sanctions imposed on the respondent; and
13. Whether remedies designed to restore or preserve equal access to the School’s education program or activity will be provided by the School to the complainant; and
14. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

* If an appeal is not filed, the day after the period for an appeal to be filed expires; or
* If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The School shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the School’s education program or activity; or did not occur against a person in the United States, then the School shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the School’s personnel policies or code of conduct.

The School may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

* The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
* The respondent is no longer enrolled at the School; or
* Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the School shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The School may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

**Appeals**

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. The existence of a procedural irregularity that affected the outcome of the matter;
2. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. An appeal of the disciplinary sanctions from the initial determination.**4**

For all appeals, the School shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the Schools’s procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker**5** for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Confidentiality**

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

* individuals who are responsible for handling the School’s investigation and determination of responsibility to the extent necessary to complete the School’s grievance process;
* Submit a report to the child maltreatment hotline;
* Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
* The extent necessary to provide either party due process during the grievance process.**5**

Except as listed above, the School shall keep confidential the identity of:

* Any individual who has made a report or complaint of sex discrimination;
* Any individual who has made a report or filed a formal complaint of sexual harassment;
* Any complainant;
* Any individual who has been reported to be the perpetrator of sex discrimination;
* Any respondent; and
* Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the School to provide the supportive measures.

**Administrative Leave6**

The School may place a non-student employee respondent on administrative leave during the pendency of the School’s grievance process.

**Retaliation Prohibited**

Employees who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for personnel policy violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The School shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by School officials, students, or third parties.

**Disciplinary Sanctions**

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. Following the completion of the School’s grievance process, any employee who is found by the evidence to more likely than not**7** have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Employees who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including termination. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

**Records**

The School shall maintain the following records for a minimum of seven (7) years:

* Each sexual harassment investigation including:
* Any determination regarding responsibility;
* any disciplinary sanctions imposed on the respondent;
* Any remedies provided to the complainant designed to restore or preserve equal access to the School’s education program or activity;
* Any appeal and the result therefrom;
* All materials used to train Title IX Coordinators, investigators, and decision-makers;
* Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
* The basis for the School’s conclusion that its response was not deliberately indifferent; and
* Document:
* If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the School’s education program or activity; or
* If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Notes: **1** 34 C.F.R. § 106.44 **requires** that a district have procedures governing the grievance process and the appeals process to accompany this policy. The procedures are required to cover all of the following:

* Direct that complainants and respondents shall be treated equitably by:
* Offering supportive measures to the complainant;
* Completing the District’s grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
* Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent that are designed to restore or preserve equal access to the District’s education program or activity, which may include the same individualized supportive measures;
* Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence;
* Provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness;
* Require that any individual designated by the District as a Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
* Indicate that individuals selected by the District as Title IX Coordinators, investigators, and decision-makers have received training on:
* The definition of sexual harassment;
* The scope of the District’s education program or activity;
* How to conduct an investigation and the grievance process, including appeals;
* How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
* Issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant; and
* Issues of relevance to create an investigative report that fairly summarizes relevant evidence;
* Provide the District webpage where the materials used to train the District’s Title IX Coordinators, investigators, and decision-makers is located;
* Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
* Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals;**3**
* A process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action, which may include:
* The absence of a party, a party’s advisor, or a witness;
* Concurrent law enforcement activity; or
* The need for language assistance or accommodation of disabilities;
* Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility;
* State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard;**7**
* Include the procedures and permissible bases for the complainant and respondent to appeal;
* Describe the range of supportive measures available to complainants and respondents; and
* Indicate that the District shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process.

**2** While we have left the language from the definition for sexual harassment from 34 C.F.R. § 106.30 requiring that the sexual conduct with an employee must be “unwelcome” in this policy, we have removed the word “unwelcome” from the student policy as A.C.A § 12-18-103 prohibits sexual conduct between district employees and students regardless of whether the student considers the sexual conduct to be welcome or unwelcome.

**3** The minimum number of days you are required to provide for the parties to review the evidence is ten (10) days. Make sure that the number of days you include here matches with the time frame included in your procedures governing the grievance process.

**4** As A.C.A. § 6-18-502(c)(1)(B) provides that the superintendent has the authority to “modify the prescribed penalties for a student on a case-by-case basis”, we have left this appeal option in this policy in recognition that an employee may be sexually harassed by a student. 34 C.F.R. § 106.45 requires that either party must have an equal opportunity to appeal for the stated reasons; therefore both the complainant and respondent have the right to appeal the initial determination-maker’s disciplinary sanctions.

**5** While the Family Educational Rights and Privacy Act (FERPA) ordinarily requires that documents containing information about more than one student be redacted so that a student may only view the portion of the educational record that is relevant to that particular student, 34 C.F.R. § 106.6 provides that FERPA does not apply to the extent necessary to provide due process to both parties involved in the grievance process; this includes allowing either party to review the names of the other party as well as any witnesses who have provided evidence relevant to the investigation.

**6** The language here does not change an individual’s rights under the IDEA, Section 504, or the ADA.

**7** We have opted to use the preponderance of the evidence standard for determination of responsibility. If you choose to use the clear and convincing evidentiary standard instead, change the language here to indicate so and make sure that your procedures indicate so as well. 34 C.F.R. § 106.45 requires that you use the same evidentiary standard for both students and employees.

Cross References: 3.26—LICENSED PERSONNEL SEXUAL HARASSMENT

4.27—STUDENT SEXUAL HARASSMENT

5.20—DISTRICT WEBSITE

7.15—RECORD RETENTION AND DESTRUCTION

8.13—CLASSIFIED PERSONNEL EMPLOYMENT

Legal References: 20 USC 1681 et seq.

34 C.F.R. Part 106

A.C.A. § 6-15-1005

A.C.A. § 6-18-502

A.C.A. § 12-18-102

Date Adopted: October 21, 2003

Last Revised: February 28, 2022

**8.21— CLASSIFIED 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 adequate supervision of students throughout the school day and at extracurricular activities.

Note: This policy is similar to Policy 3.27. If you change this policy, review 3.27 at the same time to ensure applicable consistency between the two.

Date Adopted: October 21, 2003

Last Revised:

**8.22— CLASSIFIED 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 email, and that under Arkansas law, both email 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 Director may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

Employees who misuse school-owned computers in any way, including excessive personal use, using computers for personal use during work or 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.

Note: This policy is similar to Policy 3.28. If you change this policy, review 3.28 at the same time to ensure applicable consistency between the two.

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: October 21, 2003

Last Revised: January 31, 2017

**8.22F— CLASSIFIED PERSONNEL Internet Use Agreement**

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

School\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_

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 laws and regulations and all state laws and rules. 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;
3. posting anonymous messages on the system;
4. using encryption software other than when required by the employee’s job

duties;

1. wasteful use of limited resources provided by the school including paper;
2. causing congestion of the network through lengthy downloads of files other than when required by the employee’s job duties;
3. vandalizing data of another user;
4. obtaining or sending information that could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
5. gaining or attempting to gain unauthorized access to resources or files;
6. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
7. using the network for financial or commercial gain without school permission;
8. theft or vandalism of data, equipment, or intellectual property;
9. invading the privacy of individuals other than when required by the employee’s

job duties;

1. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
2. introducing a virus to, or otherwise improperly tampering with, the system;
3. degrading or disrupting equipment or system performance;
4. creating a web page or associating a web page with the school or school without proper authorization;
5. attempting to gain access or gaining access to student records, grades, or files of students not under their jurisdiction;
6. providing access to the school’s internet Access to unauthorized individuals; or
7. 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 or any of its schools;
8. making unauthorized copies of computer software;
9. personal use of computers during instructional time; or
10. Installing software on school computers without prior approval of the Director except for employees as part of their job duties.

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.

1. 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Note: This policy is similar to Policy 3.28F. If you change this policy, review 3.28F at the same time to ensure applicable consistency between the two.

Date Adopted: October 21, 2003

Last Revised: June 27, 2019

**8.23— CLASSIFIED PERSONNEL** **FAMILY MEDICAL LEAVE**

Employees are eligible for benefits under the Family Medical and Leave Act when the School has fifty (50) or more employees. The Imboden Area Charter School has fewer 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: October 21, 2003

Last Revised: April 26, 2012

**8.24—SCHOOL BUS DRIVER’S USE OF CELL PHONES**

“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.**1**

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.**2** A school bus driver may use a two-way radio communications device or any device used in a similar manner as a two-way radio communications device to communicate with the School’s office. In addition, 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.

Notes: This policy is similar to Policy 3.51. If you change this policy, review 3.51 at the same time to ensure applicable consistency between the two.

**1** Students are not required to be transported on a school bus as long as the transporting vehicle is not scheduled for a regularly occurring route or takes a route that contains frequent stops to pick up or drop off students.

**2**  A.C.A. § 6-19-120 only prohibits "cell phone" use~~,~~; A.C.A. § 27-51-1504 prohibits the use of a “handheld wireless telephone” for browsing the internet, sending or receiving emails, and sending or receiving text messages at any time; and A.C.A. § 27-51-1609 prohibits the use of a “handheld wireless communication device” for any purpose while in a school zone~~.~~ The terminology in this sentence is designed to combine these statutes and to cover all the distractions that could affect a driver's ability to safely drive the bus.

Legal References: A.C.A. § 6 –19 -120

A.C.A. § 27-51-1504

A.C.A. § 27-51-1609

Date Adopted: October 21, 2003

Last Revised: February 3, 2015

**8.25— CLASSIFIED PERSONNEL CELL PHONE USE**

Use of cell phones or other electronic communication devices by employees during their designated work time for other than school approved purposes is 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 designated work time.**2**

Except when authorized in Policy 8.24-SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES, 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.**3**

Except when authorized in Policy 8.24-SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES, 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.**4**

**Notes:** This policy is similar to Policy 3.34. If you change this policy, review 3.34 at the same time to ensure applicable consistency between the two.

**1** The goal is to eliminate the use of cell phones during designated work time. You may change who has the authority to approve the use of cell phones if you wish to.

**2** The IRS has changed its position regarding the use of district issued cell phones for personal use for those employees who have a genuine **need** for a cell phone due to their job’s duties. Cell phones **cannot** be issues as a fringe benefit, but only as a “legitimate” need related to their job’s responsibilities. There is no longer a need to keep track of personal calls and claim their value as income. The district has the option of supplying the phone directly to the employee or of reimbursing the employee for the cost of his/her personal phone that is used for both District and personal purposes. Any such reimbursement can only be for the specific employee and not any other individuals associated with that employee’s cell phone plan. There has been no change to the use of school computers for personal purposes.

**3** This sentence is included because insurance companies have ruled that injuries occurring while driving and talking on school issued cell phones are subject to workers comp awards.

**4** This sentence was added due to the dangers involved for both drivers and pedestrians associated with distracted driving. A.C.A. § 27-51-1609 prohibits the use of a “wireless handheld telephone” while in a school zone for any purpose when that use is not hands free. While the policy language exceeds the statutory language, we believe the expanded language is important for the protection of students and employees alike.

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

 7.14—USE OF DISTRICT CELL PHONES AND COMPUTERS

8.24-SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES

Legal Reference: IRS Publication 15 B

A.C.A. § 27-51-1602

A.C.A. § 27-51-1609

Date Adopted: October 21, 2003

Last Revised: June 27, 2019

8.26—CLASSIFIED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

**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;

Examples of “Bullying” include, but are not limited to, a pattern of behavior involving one or more of the following:

1. Cyberbullying;
2. Sarcastic comments “compliments” about another student’s personal appearance or actual or perceived attributes,
3. Pointed questions intended to embarrass or humiliate,
4. Mocking, taunting or belittling,
5. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
6. Demeaning humor relating to a student’s actual or perceived attributes,
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
8. Blocking access to school property or facilities,
9. Deliberate physical contact or injury to person or property,
10. Stealing or hiding books or belongings,
11. Threats of harm to student(s), possessions, or others,
12. Sexual harassment, as governed by policy 8.20, is also a form of bullying, and/or
13. Teasing or name-calling 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 the student self-identifies as homosexual or transgender (Examples: “Slut”, “You are so gay.”, “Fag”, “Queer”).

“Cyberbullying” means any form of communication by electronic act that is sent with the purpose to:

* Harass, intimidate, humiliate, ridicule, defame, or threaten a student, school employee, or person with whom the other student or school employee is associated; or
* Incite violence towards a student, school employee, or person with whom the other student or school employee is associated.

Cyberbullying of School Employees includes, but is not limited to:

1. Building a fake profile or website of the employee;
2. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
3. Posting an original or edited image of the school employee on the Internet;
4. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
5. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
6. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
7. Signing up a school employee for a pornographic Internet site; or
8. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or 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.

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, or designee, as soon as possible.

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

School staff are required to help enforce implementation of the school’s anti-bullying policy. 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; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops. 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 designee, who receives a credible report or complaint of bullying shall:

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
	1. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
	2. Prepare a written report of the alleged incident of bullying;
2. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
3. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the alleged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
4. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
	1. That a credible report or complaint of bullying against their student exists;
	2. Whether the investigation found the credible report or complaint of bullying to be true;
	3. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
	4. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
5. Make a written record of the investigation, which shall include:
	1. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
	2. Any action taken as a result of the investigation; and
6. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

School employees are held to a high standard of professionalism, especially when it comes to employee-student interactions. Actions by a School employee towards a student that would constitute bullying if the act had been performed by a student shall result in disciplinary action, up to and including termination. 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 their supervisor.**1** In addition to any disciplinary actions, the School shall take appropriate steps to remedy the effects resulting from bullying.

Notes: This policy is similar to Policy 3.38. If you change this policy, review 3.38 at the same time to ensure applicable consistency between the two.

A school employee who has reported violations under the school district's policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

 DESE has created a guidance document on bullying that could be useful in developing staff and student training on bullying. This document can be found at <https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention>.

**1** This paragraph is optional. We have included it because we have received multiple phone calls where district employees were attempting to use the policy against fellow employees.

Legal References: A.C.A. § 6-18-514

 DESE Rules Governing Student Discipline and School Safety

Date Adopted: April 20, 2004

Last Revised: July 30, 2022

8.27— CLASSIFIED PERSONNEL LEAVE — INJURY FROM ASSAULT

Any staff member 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 staff member’s sick leave.

In order to obtain leave under this policy, the staff member must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the staff member 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 staff member’s employment.

Note: This policy is similar to Policy 3.15. If you change this policy, review 3.15 at the same time to ensure applicable consistency between the two.

Legal Reference: A.C.A. § 6-17-1308

Date Adopted: April 20, 2004

Last Revised:

**8.28— DRUG FREE WORKPLACE – CLASSIFIED 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's 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.

Drug Abuse Helplines for Employees

The following organizations and resources provide free, confidential assistance to individuals who have, or know someone who has, a problem with alcohol or other drugs.

**Substance Abuse Treatment Locator**

www.findtreatment.samhsa.gov

Phone: 1-800-662-HELP

This Substance Abuse and Mental Health Services Administration (SAMHSA) Web site and toll-free phone line help individuals locate drug and alcohol abuse treatment programs in their communities.

**AlcoholScreening.org**

www.alcoholscreening.org

This free, confidential Web site lets individuals privately assess their own drinking habits and receive personalized feedback to help them determine if they need help to change those habits. Individuals can also find out about facilities in their communities that offer drug and alcohol abuse treatment and consultations with qualified health professionals regarding alcohol problems.

**Al-Anon/Alateen**

Phone: (888) 4AL-ANON

www.al-anon.alateen.org

Al-Anon provides information on the effects of alcohol abuse and refers friends and families of alcohol abusers to nearby support groups. Al-Anon’s purpose is to help families and friends of alcoholics recover from the effects of living with the problem drinking of a relative or friend. Alateen is the organization’s program for young people whose lives have been affected by someone else's drinking.

**Alcoholics Anonymous (AA)**

Phone: (212) 870-3400

www.aa.org

AA offers a way to stop drinking to individuals who feel they have a problem with alcohol. AA groups are located in most cities and rural communities throughout the country. Look up “Alcoholics Anonymous” in a local telephone directory for a contact in your area.

**American Council on Alcoholism**

Phone: (800) 527-5344

www.aca-usa.org

This service provides referrals to alcoholism treatment programs nationwide and distributes

written materials on alcohol abuse problems.

**Cocaine Anonymous**

Phone: (800) 347-8998

www.ca.org

Cocaine Anonymous provides support for people dependent on cocaine and other mind-altering substances. Callers are referred to local helplines.

**Nar-Anon**

Phone: (800) 477-6291

www.nar-anon.org

This worldwide program provides support for friends and families of individuals with substance abuse problems.

**National Council on Alcoholism and Drug Dependence Hopeline**

Phone: (800) NCA-CALL

www.ncadd.org

This organization, a planning and oversight agency for public substance abuse treatment programs, provides written information on alcohol and drug abuse and referrals to treatment and counseling services nationwide.

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.

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 incident at work resulting in injury to the employee requiring medical attention shall require the employee to submit to a drug test, which shall be paid at the school’s worker’s compensation carrier’s 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 in accordance with policy 8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION.**2**

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.

**Notes:** **1** This policy is similar to Policy 3.31. If you change this policy, review 3.31 at the same time to ensure consistency between the two.

This is where you should insert the drug counseling services, rehabilitation, and employee assistance abuse programs available within your school. For example, “Such services are available from the following sources…”

This policy addresses the requirement for Safe and Drug Free Schools which is required for your district to be eligible to receive **any** federal grants. It is required that all employees receive a copy of the policy and be advised of the contents and requirements of the policy. In addition to publishing a policy statement, the statutes require employers to establish a drug-free awareness program to educate employees about the dangers of drug abuse as well as about the specifics of their policy. The statute does not specify a particular format for the awareness program, although it does state that the education effort must be ongoing and not just a one-time event. For assistance in constructing a drug awareness program the Department of Labor has the following web site: <http://webapps.dol.gov/elaws/asp/drugfree/menu.htm>

**2** Requiring employees who need medical treatment for injuries at work to be drug tested is optional but is recommended. A.C.A. § 11-9-102 states that an injury resulting while the employee is under the influence of alcohol or illegal drugs is not a compensable injury. Requiring all employees to be drug tested for work injuries resulting in medical treatment will allow the district to abide the prohibition against paying worker's comp for a drug related injury.

Legal References: 41 U.S.C. § 8101, 8103, and 8104

A.C.A. § 11-9-102

A.C.A. § 17-80-117

Date Adopted: February 22, 2005

Last Revised: January 31, 2017

**8.28F—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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8.29— CLASSIFIED 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 erased which 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.

Note: This policy is similar to policies 4.48 and 3.41. If you change this policy, review 4.48 and 3.41 at the same time to ensure applicable consistency between the policies.

Date Adopted: May 20, 2008

Last Revised: March 15, 2011

# 8.30—CLASSIFIED 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 RIF, 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 for Accreditation of Arkansas Public Schools and/or the North Central Association; and the needs of the school. A RIF will be implemented when the Director determines it is advisable to do so and shall be effected through non-renewal, termination, or both.  Any RIF will be conducted by evaluating the needs and long- and short-term goals of the school in relation to the staffing of the school.

If a RIF becomes necessary, the RIF shall be conducted separately for each occupational category of classified personnel identified within the school on the basis of each employee’s points as determined by the schedule contained in this policy. The employee within each occupational category with the fewest number of points will not be recommended for renewal or will be terminated first.

**Points1**

* Employee evaluation scores2

3 points – Received the highest evaluation score

2 points – Received the second highest evaluation score

* Advanced degree in any area relevant to the employee’s position (only the highest level of points apply)

1 point – Master’s degree

2 points – Master’s degree plus thirty additional hours

3 points – Doctoral degree

* License or credential relevant to the position

1 point – Basic license or certification

2 points – Advanced license or certification

When the school is conducting a RIF, all potentially affected classified employees shall receivea listing of the personnel within their category with corresponding point totals. Upon receipt of the list, each employee has ten (10) working days within which to appeal their point total 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 an employee’s total after the list is released.

Except as may occur during a RIF in the School’s teaching staff, there is no right or implied right for any employee to “bump” or displace any other employee. When there is a RIF of the School’s teaching staff, 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 Division of Elementary and Secondary Education, other than the attainment of annual professional development training; or teaching under a waiver from licensure. The exception for a RIF in the School’s teaching staff specifically does not allow a licensed employee who might wish to assume a classified position to displace a classified employee.

In the event of a tie between two (2) or more employees, the employee(s) shall be retained based on the following:2

1. An employee with the highest evaluation rating shall be retained over an employee with the second highest evaluation rating.
2. If both employees have the same evaluation rating, the employee whose name appears first in the Board minutes to be hire shall be retained.

**Recall:**

There shall be no right of recall for any classified employee.

Notes: In addition to this policy, districts are required to adopt a written plan for conducting a RIF that includes Staff positions that are to be eliminated and the performance and effectiveness metrics that will be used to determine retention of each position. Districts are required to submit a copy of the reduction in force plan to the Division of Elementary and Secondary Education each time it is updated.

**1** The list may be changed to reflect the beliefs of your district regarding what criteria are the most beneficial to students and the district. You may choose to add or delete additional criteria and/or change the value of the points given to each criterion. For example, you could choose to lessen or increase any of the point values for a criterion, or you could add or delete point categories. A.C.A. § 6-13-636 requires that “effectiveness” be the primary determining factor for retention of an employee and prohibits using seniority as the primary factor. In addition, A.C.A. § 6-17-2407 prohibits an employee's seniority, an employee's length of service with the school district, an employee's total professional development hours, and the education level of an employee from factoring for more than fifty percent (50%) of the total criteria used by a district.

**2** Adjust the language an points provided to account for your district’s classified evaluation process. An example would be that if your evaluation system resulted in an overall rating for an employee between one (1) and five (5), then you could provide that the employee would receive points equal to their evaluation score.

**3** For example, if the district’s salary schedule provided for a range of salaries for maintenance employees ranging from $.11.50 an hour to $16.50 an hour, and one maintenance employee is making $20.00 an hour, the superintendent, as part of the RIF, would send a letter of partial nonrenewal to the maintenance employee to bring the salary into compliance with the salary schedule.

**4** For either Options 1 and 2 or Options A and B, select the option that will work best for your district. If you choose Option B, the ninety (90) day time period may be lengthened or shortened (within reason) to suit your preference.

Legal References: A.C.A. § 6-13-636

A.C.A § 6-17-2301

A.C.A. § 6-17-2407

Date Adopted: July 19, 2005

Last Revised: June 29, 2023

8.31—CLASSIFIED PERSONNEL RENEWAL AND TERMINATION

**Renewal**

When determining whether to make a recommendation of renewal of an employee’s contract to the School’s Board of Directors, the director, with input from the appropriate employee’s supervisor, shall make the determination based upon the following, as applicable:

1. Effectiveness, including the employee’s evaluations;
2. Performance, including disciplinary infractions;
3. Qualifications, including relevant education degrees or credentials.

Seniority shall be used in determining whether or not an employee shall be renewed only when determining whom to renew and all else is equal between the employees in question.

If the director finds probable cause that an employee has engaged in sexual misconduct with a minor, then the director shall not recommend the renewal of the employee.

Following the superintendent’s recommendation for renewal and approval by the Board, a copy of the next year’s employment contract shall be provided to each employee.

**Termination**

The director is empowered to make a recommendation to terminate an employee’s employment contract to the Board for an employee’s violation of School policies; State or Federal laws; State Rules; or Federal regulations. If the Director determines that it is necessary to make a recommendation for termination, the Director shall provide the employee written notice of the director’s intention to recommend that the employee be terminated. The written notice may be mailed to the employee’s address on file with the School, e-mailed to the employee’s School provided e-mail address, or hand delivered to the employee. The written notice shall contain a statement:

* Of the grounds for the recommendation of termination that are set forth in separately numbered paragraphs;
* Of the date, time, and location when the director’s recommendation for termination shall be presented to the Board, which shall be no earlier than ten (10) days and no later than the next regular scheduled Board meeting following the ten (10) day period unless another date is agreed to in writing by the director and the employee;
* That time shall be provided for the employee to provide a defense against the recommendation for termination at a hearing before the Board;
* That the hearing before the Board shall be open to the public; and
* That the director shall present the reason for recommending termination of the employee to the Board in executive session should the employee choose not to attend the hearing or choose not to provide a defense at the hearing.

The director shall provide the employee written notification of the Board’s decision regarding the recommendation for termination as soon as possible by mail to the employee’s address on file with the School, e-mail to the employee’s School provided e-mail address, or hand delivery to the employee.

Legal references: A.C.A. § 6-13-636

A.C.A. § 6-17-414

A.C.A. § 6-17-2301

Date Adopted: June 29, 2023

Last Revised:

8.32— CLASSIFIED PERSONNEL ASSIGNMENTS

The Director shall be responsible for assigning and reassigning non-certified personnel.

Legal Reference: A.C.A. 6-17-2301

Date Adopted: July 19, 2005

Last Revised: May 23, 2006

**8.33— CLASSIFIED PERSONNEL SCHOOL CALENDAR**

The Director shall present the calendar to the board who will vote to adopt the calendar.

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

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

#

# July 31 Teacher Inservice Begins

# August 14 School Begins

# September 4 Labor Day – No School

October 13 End of First Quarter

October 18 Parent/Teacher Conferences

November 22-24 Thanksgiving Break – No School

December 15 End of Second Quarter

December 18 – January 2 Christmas Break – No School

January 3 School Resumes

January 15 MLK Day – No School

February 19 President’s Day – No School

March 8 End of Third Quarter

March 13 Parent/Teacher Conferences

March 18-22 Spring Break

March 29 Good Friday – No School

May 22 Awards/Graduation

May 23 Last Day of School/Family Picnic

Bad weather days in calendar: Jan 15

 Feb 19

 March 29

 May 24

 May 25

Legal Reference: A.C.A. § 6-15-2907(f)

A.C.A. § 6-17-2301

DESE Rules Governing the Arkansas Educational Support and

Accountability Act

Date Adopted: June 17, 2003

Last Revised: June 29, 2023

**8.34— CLASSIFIED PERSONNEL DUTIES AS MANDATED REPORTERS**

It is the statutory duty of school employees to:

* If the employee has reasonable cause to suspect child abuse or maltreatment, then the employee shall directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964 or by submitting a report through the online reporting system. Failure to report suspected child abuse, maltreatment, or neglect through 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.
* If the employee has a good faith belief that there is a serious and imminent threat to the public based on a threat made by an individual regarding violence in or targeted at a school that has been communicated to the employee in the ordinary course of his/her professional duties, then the employee shall make every attempt to immediately notify law enforcement of the serious and imminent threat to the public and have notified law enforcement within twenty-four (24) hours of learning of the serious and imminent threat to the public.

The duty of mandated reporters to report suspected child abuse or maltreatment or serious and imminent threats to the public 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 or that form the basis of the serious and imminent threat to the public; 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, that a serious and imminent threat to the public exists; or to rule out such a belief**2**.

Employees and volunteers who notify the Child Abuse Hotline or who report serious and imminent threats to the public to law enforcement 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 **who is a mandated reporter** from directly reporting suspected child abuse, maltreatment, or a serious and imminent threat to the public, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline or law enforcement.

Notes: This policy is similar to Policy 3.40. If you change this policy, review 3.40 at the same time to ensure applicable consistency between the two.

**1** This is a delicate matter and the school would be wise to avail itself of professional development (PD) in this area available from DHS and other sources. While A.C.A. § 6-61-133, requires PD related to child maltreatment for only licensed employees and includes school nurses, school social workers, and school psychologists in the list of “licensed employees” who must receive the required PD, the list of mandated reporters under A.C.A. §12-18-402 includes all school employees; as a result, Policy 3.6-LICENSED PERSONNEL EMPLOYEE TRAINING includes language requiring all school employees to receive at least two hours of PD on this topic.

Legal References: A.C.A . § 6-18-110

A.C.A. § 12-18-107

A.C.A. § 12-18-201 et seq.

A.C.A. § 12-18-302

A.C.A. § 12-18-402

Date Adopted: May 20, 2008

Last Revised: June 29, 2023

**8.35—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 in the School 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,**1** 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**1** 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. Counselors and teachers 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.**2**

Notes: This policy is similar to policy 3.42. If you change this policy, review policy 3.42 at the same time to ensure applicable consistency between the two.

 The Child Nutrition Unit of the DESE website <https://dese.ade.arkansas.gov/Offices/child-nutrition-unit> has the referenced Commissioner’s Memos as well as helpful information to develop your policy statement packet. Additionally, Commissioner’s Memos FIN 09-041 has two attachments that will go a long way toward explaining the restrictions on the release of eligibility information and status.

**1** The penalty for improper disclosure of eligibility information is a fine of not more than $1000 per student name if a violation is by either the district or a person in the disclosure without authorization under federal confidentiality regulations and/or imprisonment of not more than one year.

**2** The district owns the data and has the right to choose whether or not to release it to **anyone**. Therefore, the district must make the decisions concerning its release. With the ownership comes the responsibility to ensure proper security of the data.

Legal References: Commissioner’s Memos IA-05-018, FIN 09-041, IA 99-011, and FIN 13-018

DESE Eligibility Manual for School Meals Revised July 2017

A.C.A . § 6-18-715

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: June 28, 2021

**8.36— CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION**

The school provides Workers’ Compensation (WC) Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify the Director. An injured employee must fill out a Form N and the Director will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment or 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.

The school may discipline an employee, up to and including termination of the employee’s contract, if it is discovered that the employee;

* 1. Deliberately made false statements concerning the origin of an injury or the circumstances surrounding the injury; or
	2. Submitted a WC claim that the employee knew to be based on substantially or entirely false information.

An employee shall not be disciplined solely because the School’s WC carrier denied the employee’s WC claim.

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, employees whose injuries require medical attention shall submit to a drug test, which shall be paid at the school’s WC carrier’s 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 WC benefits.2

Employees who are absent from work in the school due to a WC 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 who~~se~~ 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 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 (8) 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 fourteen (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.

Note: This policy is similar to policy 3.44. If you change this policy, review 3.44 at the same time to ensure applicable consistency between the two.

**1** Insert the **position** of the person to be notified.

**2** Requiring employees who need medical treatment for injuries at work to be drug tested is optional but is recommended. A.C.A. § 11-9-102 states that an injury resulting while the employee is under the influence of alcohol or illegal drugs is not a compensable injury. Requiring all employees to be drug tested for work injuries resulting in medical treatment will allow the district to abide the prohibition against paying worker's comp for a drug related injury.

Cross Reference: 8.5—CLASSIFIED EMPLOYEES SICK LEAVE

8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT

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: August 3, 2009

Last Revised: March 29, 2021

**8.37—CLASSIFIED 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, approved by the Director are encouraged and can provide a place for staff to inform students and parents on school related activities. Social blogs are discouraged to the extent they involve staff and students in a non-education oriented format.

**Policy**

School staff are encouraged to use educational technology, the Internet, and professional/education social networks to help raise student achievement and to improve communication with parents and students. However, 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.

Staff members are discouraged from creating personal social media accounts to which they invite students to be friends or followers.**1** 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**1** 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 face-to-face in a group, 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 interact with students, thus undermining the employee’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.

Staff who are employed by the school as a teacher under a waiver from licensure should be aware that, in addition to the restrictions on inappropriate interactions with students and dissemination of information under this policy, they are required to follow the Division of Elementary and Secondary Education (DESE) Rules Governing The Code of Ethics For Arkansas Educators. Violations of this policy that would also violate the Code of Ethics for Arkansas Educators may result in the filing of an ethics complaint with DESE.**2**

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 appearance that such access is occurring during instructional time. Except when expressly authorized by the employee’s job duties, staff shall not access social networking websites using district equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of the Director. Except when expressly authorized by the School employee’s job duties and when the School procedures have been followed, 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. The posting of prohibited material or posting without following proper procedures may result in disciplinary action against the School employee, up to and including termination or no-renewal.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden:3

* 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 or the Director 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 district policy; local laws; state laws and rules; or federal laws and 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 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY)

Notes: This policy is similar to policy 3.45. If you change this policy, review 3.45 at the same time to ensure applicable consistency between the two.

While only the Privacy of Employee's Social Media Accounts section of this policy is required by statute, ASBA strongly recommends adopting ~~it~~ the policy in its entirety after consulting with staff for localizing purposes.

**1** The policy’s separate definitions for “social media websites” and “professional/education social media accounts” are important. Districts are encouraged to establish “professional/education social media accounts” as an acceptable means of teacher and district communication with students and parents. This can serve to discourage inappropriate staff/student interactions on “social media websites.” ASBA strongly suggests using the discussions for modifying/personalizing this policy as a means for generating the acceptable guidelines and procedures for staff creation of private social networks. We recommend **NOT** incorporating the guidelines into the policy, but have them available for all staff to review. Incorporating them into the policy will make it much harder to change them if the need arises.

**2** If you do not have a waiver allowing individuals to be employed as a teacher under a waiver from licensure, remove this language.

**3** What is and is not acceptable staff/student interaction on social networking websites is an education community decision, and will vary from district to district. As a general rule, the greater the degree of real-life connections and interactivity between staff and students that normally occur in the community, the greater the tolerance will be for virtual connections and interactivity. Use the following list to help guide discussions with staff to determine which items should be included in the policy and with what modifications/stipulations. It is as important to include in the policy what **is** permitted as what **is not** permitted. Your discussions may elicit additional bullets to include in the policy:

* 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.

Cross reference: 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY

Legal Reference: A.C.A. § 11-2-124

 DESE Rules Governing The Code of Ethics For Arkansas Educators

Date Adopted: March 15, 2011

Last Revised: March 29, 2021

**8.38— CLASSIFIED PERSONNEL VacationS**

240 day contracted employees are credited with 5 days of vacation**1** at the beginning of each fiscal year and 5 days at the end of each fiscal year.

All vacation time must be taken in the summer, or on exceptional occasions, to be approved in advance, to the extent practicable, by the Director who shall consider the staffing needs of the School in making his/her determination. If vacation is requested, but not approved, and the 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.

Earned but unused vacation will be paid upon retirement, termination, or nonrenewal at half the employee’s current daily rate of pay.

Notes: This policy is similar to policy 3.46. If you change this policy, review policy 3.46 at the same time to ensure applicable consistency between the two.

**1** Select your eligibility criteria and number of vacation days. Eligibility does not have to be 240 day employees and vacation does not have to be 10 days. If you choose a number other than 10 days, you will need to change the proration rate in the paragraph’s final sentence for used, but unearned vacation.

**2** Insert the position that will be responsible for approving vacation requests.

**3** This sentence should be included whether you are changing your previous policy or you have not had a policy but have had the **practice** of allowing and paying accrued vacation greater than 15 days. It will help limit your future fiscal liability.

**4** Unlike sick leave, vacation is not transferable from one district to another and so we have included resignation, retirement, termination, and non-renewal as instances when the district will pay the employee for unused vacation. You may replace the list for when the district will pay for unused vacation with “any severance of employment.” In any instance of such pay, the rate of pay for accrued, but unused vacation, does not have to be at the daily rate of pay. It may be at a set sum (so many dollars for each unused day) or as a percentage of the employee's daily rate of pay. If the district does not choose to place limits on the amount payable at employment severance, then the rate payable would be that employee’s current daily rate of pay.

Date Adopted: March 15, 2011

Last Revised: July 15, 2015

8.39—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**1** 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.

Notes: This policy is similar to policy 3.47—Depositing collected funds. If you change this policy, review 3.47 at the same time to ensure applicable consistency between the two.

**1** “Daily” is a suggested length of time that aligns with policy 7.7. You may select a different time period, but if you change it, be sure to change policy 7.7 to match. The reason for this policy and the shorter timeline is to protect both the district and employees from possible overnight theft which is only covered by insurance if there are receipts to prove the existence of the funds and even then, there is a deductable (often $1000). It could often be the case that the receipts and the funds would be in the same envelope and be stolen at the same time. The bottom line is that the daily timeline is to protect both the district and the employee.

Date adopted: March 15, 2011

Last Revised: April 26, 2012

**8.40—CLASSIFIED PERSONNEL WEAPONS ON CAMPUS**

**Firearms1**

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 School 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;**2**
* He/she is a registered, commissioned security guard acting in the course and scope of his/her duties.
* He/she is a certified law enforcement officer, either on or off duty;
* 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 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 Weapons3**

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.**5**

Notes: This policy is similar to Policy 3.48. If you change this policy, review Policy 3.48 at the same time to ensure applicable consistency between the two.

**1** The possession of handguns and firearms is a very hot topic. In Arkansas, the laws governing their possession on school grounds are both complicated and less than clear. The two statutes most directly affecting schools are A.C.A. § 5-73-119 (herein after 119) and A.C.A. § 5-73-306 (herein after 306).

119 governs firearms (including handguns) while 306 deals strictly with concealed handguns (those guns having a barrel length of 12" or less).

119 prohibits firearms on "developed school property" while 306 prohibits concealed handgun permit holders from carrying their handguns into school buildings or events but permits the concealed carry licensee to leave a handgun in his/her locked vehicle at a publicly owned parking lot.

119 permits those who are on a "journey beyond the county in which a person lives" to carry handguns and firearms on school property. Technically, this would allow those employees who commute from outside the county in which they teach to bring their firearms to school. While we accept that concealed carry licensees may leave their handgun in their locked vehicle in the parking lot, we see this as complicated to enforce and generally problematic. Also, as we interpret the statute, parents visiting the school for an athletic or other event can bring their handgun, though it must be left in their locked vehicle, with them. We cannot control that through policy.

**2** If your district has housing for any employee and that employee chooses to have any firearms in the house, they should be kept in a very secure place. It would be wise to keep them in a locked gun safe so that no one other than the employee has access to them.

**3** Select the option that works best for your district. In making your decision, note that in Option #2, you can choose to include only the first or the second sentence or you can keep both sentences. If you keep the first sentence, the length of the blade allowed is limited by A.C.A. § 5-73-120(b)(4) to less than three inches (3"). Also, A.C.A. § 5-73-120(a) prohibits individuals from carrying a weapon "with a purpose to employ the…weapon against a person." Presumably, an employee could possess a small pocket knife with no intent to use it against another person. Inherent in making the decision on either sentence in Option #2 is the possibility of a student taking the knife or the tear gas and misusing it.

**4** You can replace "tear gas" with "pepper spray" or leave "tear gas" in the policy and add "pepper spray."

**5** While the policy language only specifically covers employees, A.C.A. § 6-5-502 permits any person who is a Civil War reenactor to bring a Civil War era weapon onto campus with the prior permission of the principal.

Legal References: A.C.A. § 5-73-119

 A.C.A. § 5-73-120

 A.C.A. § 5-73-124(a)(2)

 A.C.A. § 5-73-301

 A.C.A. § 5-73-306

A.C.A. § 6-5-502

Date Adopted: July 1, 2013

Last Revised June 27, 2019

**8.41—WRITTEN CODE OF CONDUCT FOR EMPLOYEES INVOLVED IN PROCUREMENT WITH FEDERAL FUNDS**

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 Federal funds, including 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; or
5. Meals.

Unsolicited items of nominal value, such as a calendar or coffee mug, may be accepted.

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 School personnel involved in purchases with Federal funds, including child nutrition personnel, 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.**2**

Notes: This policy is similar to Policy 3.52. If you change this policy, review 3.52 at the same time to ensure applicable consistency between the two.

**1** Districts may set standards covering instances where the financial interest is not substantial and the gift is an unsolicited item of nominal value. If you do wish to set standards for these situations, delete this sentence and add a statement permitting such acceptance and the circumstances where it is acceptable.

**2** The training provided should cover instances where there is doubt concerning the appropriateness of accepting gifts, favors, etc. the employee should be instructed to consider the following questions:

* How would the public perceive this action of receiving the gift, favor, etc.?
* Will acceptance of the gift, favor, etc. possibly influence a future purchasing decision?

The training should cover the Rules Governing Ethical Guidelines And Prohibitions For Educational Administrators, Employees, Board Members And Other Parties including the contract disclosure forms checklists from Commissioner’s Memo FIN 09-036.

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

Division of Elementary and Secondary 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

2 C.F.R. § 200.318

7 C.F.R. § 3016.36

 7 C.F.R. § 3019.42

Date Adopted: March 3, 2015

Last Revised: April 26, 2016

8.42—CLASSIFIED 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 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.

Date Adopted: March 18, 2014

Last Revised:

8.43—CLASSIFIED PERSONNEL USE OF PERSONAL PROTECTIVE EQUIPMENT

Employees whose job duties require the use or wearing of Personal Protective Equipment (PPE) shall use or wear the prescribed PPE at all times while performing job duties that expose employees to potential injury or illness. Examples of PPE include, but are not limited to:**1**

* Head and face protection:
* Hard hat;
* Bump cap;
* Welding helmet;
* Safety goggles;
* Safety glasses;
* Face shield;
* Respiratory protection:
* Dust/mist mask;
* Half-face canister respirators;
* Hearing protection:
* Ear plugs;
* Ear muffs;
* Hand protection, which is based on hazard exposure(s) and type(s) of protection needed:
* Leather;
* Latex;
* Rubber;
* Nitrile;
* Kevlar;
* Cotton;
* Body protection:
* Welding apron;
* Welding jackets;
* Coveralls/Tyvek suits;
* Foot Protection:
* Metatarsal protection;
* Steel toed boots/shoes;
* Slip resistant shoes;
* Fall Protection:
* Belts, harnesses, lanyards;
* Skylight protection;
* Safe ladders;
* Scissor lifts.

Employees operating a school-owned vehicle that is equipped with seat belts for the operator shall be secured by the seat belt at all times the employee is operating the vehicle. If the vehicle is equipped with seat belts for passengers, the employee operating the vehicle shall not put the vehicle into motion until all passengers are secured by a seat belt. Employees traveling in, but not operating, a school owned vehicle that is equipped with seat belts for passengers shall be secured by a seat belt at all times the vehicle is in motion.

Employees who fail to use or wear the prescribed PPE required by their job duties put themselves and co-workers at risk of sustaining personal injuries. Employees who are found to be performing job duties without using or wearing the necessary PPE required by the employee’s job duties may be disciplined, up to and including termination.

The Director may be disciplined, up to and including termination, if the Director:

1. Fails to ensure the employee has the prescribed PPE before the employee assumes job duties requiring such equipment;
2. Fails to provide an employee replacement PPE when necessary in order for the employee to continue to perform the job duties that require the PPE; or
3. Instructs the employee to perform the employee’s job duties without the prescribed PPE required by those job duties.

An employee shall **not** be disciplined for refusing to perform job duties that require the employee to use/wear PPE if:

1. The employee has not been provided the prescribed PPE; or
2. The PPE provided to the employee is damaged or worn to the extent that the PPE would not provide adequate protection to the employee.

The Director is responsible for providing the employee training on the proper use, care, and maintenance of any and all PPE that the employee may be required to use.

Notes: This policy is similar to Policy 3.55. If you change this policy, review 3.55 at the same time to ensure applicable consistency between the two.

When designing employee schedules, be sure to account for the time employees spend putting on and taking off PPE. The time an employee spends putting on and taking off PPE at the worksite is compensable and may result in overtime issues for non-exempt employees under Policy 8.11.

**1** This is not intended to be an all-inclusive list, and you may add or remove items from the list based on what PPE your employees should be using.

Cross Reference: 8.11—OVERTIME, COMPTIME, and COMPLYING WITH

FLSA

Date Adopted: March 27, 2018

Last Revised:

8.44—CLASSIFIED PERSONNEL CONTRACT RETURN

An employee shall have thirty (30)**1** days from the date of the receipt of the employee’s 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**2**, which 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 rejection of the offer of employment 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 rejection of the offer of employment final.

Notes: This entire policy is optional. We have included it to act as an incentive to have employees timely return contracts for the next school year.

**1** The following language is offered as suggestive for the cover memo:

*Attached please find your contract of employment for the (date/date) school year. You have thirty (30) calendar days from the date of this memo to sign and return your contract of employment to the office of the Director. According to personnel policy 8.44, the failure of an employee to sign and return his or her contract by the thirtieth (30th) day shall operate as a rejection of the offer of employment provided by the contract, and steps will immediately begin to fill that vacated position for the next school-year.*

Date Adopted: June 27, 2019

Last Revised June 29, 2023

8.45—CLASSIFIED PERSONNEL CODE OF CONDUCT

**Definitions**

“Insubordination” means the willful disregard of a supervisor's instructions or the refusal to obey a lawful order from a supervisor. Insubordination does not mean the refusal to follow an order from a supervisor that would violate Federal or state law; Federal regulations; state rules; or a court order.

“Sexual harassment” means conduct on the basis of sex that may not reach the definition of sexual harassment under Policy 8.20 but is nevertheless inappropriate within the education setting. Examples of sexual harassment include, but are not limited to:

* Making sexual propositions or pressuring for sexual activities;
* Sexual grooming;
* Unwelcome touching;
* Writing graffiti of a sexual nature;
* Displaying or distributing sexually explicit drawings, pictures, or written materials;
* Performing sexual gestures or touching oneself sexually in front of others;
* Telling sexual or crude jokes;
* Spreading rumors related to a person’s alleged sexual activities;
* Discussions of sexual experiences;
* Rating, ranking, or assessing students or other employees as to:
* Physical attractiveness;
* Sexual activity or performance; or
* Sexual preference;
* Circulating or showing e-mails or Web sites of a sexual nature;
* Intimidation by words, actions, insults, or name calling; and
* Teasing or name-calling 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 or transgender.

Employee actions that meet the definitions within this policy are prohibited.

In recognition of the level of trust placed in School employees, the duty of care School employees have towards their charges, and the need for School employees to model appropriate behavior for their charges, the School has, and will continue to hold, its employees to a high standard of behavior. Employees whose actions are determined to be in violation of the provisions of this policy, another personnel policy, the Division of Elementary and Secondary Education Rules Governing the Code of Ethics for Arkansas Educators**1**, or criminal conduct that statutorily prohibits employment by a school district may be recommended for discipline up to and including termination of the employee’s contract for employment. In addition to other forms of discipline, conduct in violation of the Rules may be reported to the Professional Licensure Standards Board**1**.

Notes: This policy is similar to Policy 3.17. If you change this policy, review Policy 3.17 at the same time to ensure applicable consistency between the two.

**1** If you do not have individuals teaching under a waiver from licensure, remove references to the Code of Ethics from this policy.

Legal References: A.C.A. § 6-17-301

A.C.A. § 6-17-414

A.C.A. § 6-17-415

DESE Rules Governing the Code of Ethics for Arkansas Educators

Date Adopted: February 28, 2022

Last Revised: June 29, 2023

8.47—CLASSIFIED PERSONNEL NAME, TITLE, OR PRONOUN

Unless a School employee has the written permission of the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to the student or the student if the student is an emancipated minor or over eighteen (18) years of age, a School employee shall not address a student with a:

1. Name other than that listed on the student's birth certificate, except for a derivative of the name; or
2. Pronoun or title that is inconsistent with the student's biological sex.

A School employee shall not be subject to adverse employment action for declining to address a person using a:

1. Name other than that listed on the student's birth certificate, except for a derivative of the name; or
2. Pronoun or title that is inconsistent with the person's biological sex.

Legal Reference: A.C.A. § 6-1-108

Date Adopted: June 29, 2023

Last Revised: