

BOARD POLICIES UNDER
SECTION G -- PERSONNEL

G Certified Personnel

Chain of Command

Personnel having a concern should follow the procedure below to resolve conflict or concern.

- Level I:* Meet with immediate supervisor.
- Level II:* Meet with building principal.
- Level III:* Meet with superintendent of schools.
- Level IV:* Meet with board of education.

School personnel should not supersede this conflict resolving procedure unless otherwise stated in another policy, contract or statute. If no solution is found at a step, the supervisor or administrator should refer the issue to the next step. Personnel who are refused the next step should contact the superintendent.

GA Professional Evaluations

Purpose: Evaluation is a cooperative process wherein the individual being evaluated and those responsible for making the assessment feel a joint responsibility to focus upon performance areas. Evaluation is a continuous process and should provide an opportunity for teachers and administrators to learn their strengths and possible weaknesses and to improve their effectiveness.

Evaluation also serves to guide administrative decisions concerning continued employment, assignment, transfer and promotion.

Personnel to be evaluated and by whom: Regular classroom teachers by administrator and other appropriate supervisory personnel.

Special teachers by administrator.

Administrators by superintendent, at least annually.

Central Office personnel by direct supervisor.

Superintendent will be evaluated by the board in a special session at least once a year.

BOARD POLICIES – Section G -- Personnel

GA Professional Evaluations *(Continued)*

Procedures are in accordance with professional agreement.

GAA Goals and Objectives

The goal of the personnel policies set forth in this policy section is to create the best possible educational climate for the children of the school district. To this end, these personnel policies are designed to prevent misunderstanding by the district's personnel of their duties, responsibilities, and privileges.

All employees shall follow all applicable board policies, rules, regulations, and supervisory directives.

All personnel handbooks shall be approved by the board and adopted, by reference, as a part of these policies and rules.

GAAA Equal Employment Opportunity and Nondiscrimination

The board shall hire all employees on the basis of ability and the district's needs.

The district is an equal opportunity employer and shall not discriminate in its employment practices and policies with respect to hiring, compensation, terms, conditions, or privileges of employment because of an individual's race, color, national origin, religion, sex, age, disability or genetic information. Discrimination on any of these characteristics will not be tolerated. The district will make reasonable accommodations to applicants and employees who need them for medical or religious reasons, as required by law.

Inquiries regarding compliance may be directed to Smith Shay Farmer Wetta, Attorneys at Law, Suite 350, O.W. Garvey Building, 200 West Douglas, Wichita, Kansas 67202, or to:

Equal Employment Opportunity Commission
400 State Ave., 9th Floor
Kansas City, KS 66101 (913) 551-5655 or

Kansas Human Rights Commission
900 SW Jackson, Suite 568-S
Topeka, KS 66612-1258 (785) 296-3206 or

United States Department of Education
Office for Civil Rights

BOARD POLICIES – Section G -- Personnel

One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
GAAB School Nurse Qualification

The school nurse shall possess a Kansas license for the position.

GAAC Classified Personnel

Definition of Classified Personnel

The classified personnel of the Renwick Schools shall include all regularly employed maintenance, custodial, cafeteria, secretarial personnel and bus drivers and any other position which does not require state certification.

Request for Release

All classified personnel may request release from employment at their discretion. However, such request will be in writing submitted two weeks in advance of the intended termination date. The board of education may terminate classified personnel by notification in writing.

Vacations for Classified Personnel

Regular summer vacation time for 12-month employed classified personnel will be allowed as stated in the policy manual.

Classified personnel are to notify their supervisor at least two weeks in advance of dates for their summer vacation so a proper schedule can be established. This will be subject to approval of the administration. Vacations are allowed for full time personnel only.

Payment of Salaries for Classified Personnel

Salaries will be paid according to each individual work agreement on or before the last day of each month.

Chain of Command

Personnel having a concern should follow the procedure below to resolve conflict or concern.

BOARD POLICIES – Section G -- Personnel

GAAC Classified Personnel (Continued)

- Level I:* Meet with immediate supervisor.
- Level II:* Meet with building principal.
- Level III:* Meet with superintendent of schools.
- Level IV:* Meet with board of education.

School personnel should not supersede this conflict resolving procedure unless otherwise stated in another policy, contract or statute. If no solution is found at a step, the supervisor or administrator should refer the issue to the next step. Personnel who are refused the next step should contact the superintendent.

Staff Capabilities

The board may require any staff member to take a physical examination to verify fitness to fulfill his/her work assignment. If it is determined the employee cannot complete his/her duties, the board reserves the right to require the employee to step down from his/her position.

The board, who may select a doctor of its choice, will pay any physical examination required by the board.

GAAD Child Abuse (See JCAC and JGEC)

Any district employee who has reason to know or suspect a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, shall promptly report the matter to the local Kansas Department for Children and Families (DCF) office or to the local law enforcement agency if the DCF office is not open. Employees may file a report of suspected abuse anonymously to either DCF by phoning 1-800-922-5330 or to local law enforcement officials. The Code for Care of Children also provides civil immunity from prosecution if the report is made in good faith.

The employee making the report will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect.

DCF or Law Enforcement Access to Students on School Premises

The building principal shall allow a student to be interviewed by DCF or law enforcement representatives on school premises to investigate suspected child abuse and shall act as appropriate to facilitate the agency's access to the child and to protect the student's interests during the process. State law grants the investigating agency the authority to determine whether a school employee may be present while the interview is being conducted, taking into account the child's best interests.

BOARD POLICIES – Section G -- Personnel

GAAD Child Abuse (Continued)

If asked to sit in on the interview by the agency representative conducting it, the building principal or designee thereof shall oblige such request in order to provide comfort to the child throughout the process and to facilitate the investigation.

Cooperation Between School and Agencies

Principals shall work with DCF and law enforcement agencies to develop a plan of cooperation for investigating reports of suspected child abuse or neglect. To the extent that safety is not compromised, law enforcement officers investigating complaints of suspected child abuse or neglect on school property shall not be in uniform.

Reporting Procedure

The employee shall promptly report to the local DCF office or law enforcement if DCF is closed. It is recommended the building administrator also be notified after the report is made.

If the building principal has been notified, the principal shall immediately notify the superintendent that the initial report to DCF has been made. If appropriate, the principal may confer with the school's social worker, guidance counselor or psychologist. At no time shall the principal or any other staff member prevent or interfere with the making of a suspected child abuse report.

If available, the following information shall be given by the person making the initial report: name, address and age of the student; name and address of the parents or guardians; nature and extent of injuries or description of neglect or abuse; and any other information that might help establish the cause of the child's condition.

Any personal interview or physical inspection of the child by any school employee shall be conducted in an appropriate manner with an adult witness present.

State law provides that anyone making a report in good faith and without malice shall be immune from any civil liability that might otherwise be incurred or imposed.

Annual Training

Annual training for all school employees on child abuse and neglect reporting requirements shall be provided, and documentation of the training shall be maintained.

BOARD POLICIES – Section G -- Personnel

GAAE Bullying by Staff (See EBC. GAAB, JDD. JDDC and KGC)

The Board of Education prohibits bullying in any form, either by any student, staff member, or parent towards a student or by a student, staff member, or parent towards a staff member, on or while using school property, in a school vehicle or at a school-sponsored activity or event. For the purposes of this policy, the term “bullying” shall have the meaning ascribed to it in Kansas law.

The administration shall propose, and the board shall review and approve a plan to address bullying as prohibited herein. The plan shall include provisions for the training and education of staff members.

Staff members who bully others in violation of this policy may be subject to disciplinary action, up to and including suspension and/or termination. If appropriate, staff members who violate the bullying prohibition shall be reported to local law enforcement.

FORM FOLLOWS ON NEXT PAGE:

BOARD POLICIES – Section G -- Personnel

GAAE Bullying by Staff (Continued)

SAMPLE FORM

Report to Local Law Enforcement
USD #267

Pursuant to Kansas law, the administrator or other school employee whose signature appears below is reporting the following crimes.

Briefly describe each incident and the person/s involved in a misdemeanor or felony; behavior at school, on school property, or at a school activity.

Date	School/Location	Person/s Involved	Brief description of bullying incident/s
1.			
2.			
3.			

School Districts are required by Federal Law and Kansas law to protect the privacy rights of students under the age of 18.

Signed: _____
Administrator or other school employee

c/superintendent, USD 267;
c/staff member's file

BOARD POLICIES – Section G -- Personnel

GAAE-R Bullying by Parents (See EBC, JDDC, KGD)

The Board of Education, in its commitment to provide a positive and productive learning and working environment for its students and staff in accordance with state law, prohibits bullying in any form either by any student, staff member, or parent towards a student, staff member or parent towards a staff member or while using school property, in a school vehicle or at a school-sponsored activity or event. For the purposes of this policy, the term “bullying” shall have the meaning ascribed to it in Kansas Law.

The administration shall propose, the board shall review and approve a plan to address bullying as prohibited herein.

Parents participating in prohibited bullying conduct aimed at district students and/or staff members may jeopardize their access to district facilities; district property; school sponsored activities, programs and events; and/or district students and/or staff members through the district’s communication systems. As appropriate, reports to local law enforcement will be filed to report criminal bullying behaviors.

This policy and the district bullying plan shall be posted on the district’s website and copies of such documents shall be made available to parents of current students upon request.

GAAF Emergency Safety Interventions

The board of education is committed to limiting the use of Emergency Safety Interventions (“ESI”), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student’s conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school pages. In addition, this policy shall be included in at least one of the following; each school’s code of conduct, school safety plan or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

Definitions (See K.A.R. 91-42-1)

“Campus police officer” means a school security officer designated by the Board of Education of any school district pursuant to K.S.A. 72-6146 and amendments thereto.

“Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.

BOARD POLICIES – Section G -- Personnel

GAAF Emergency Safety Interventions (Continued)

“Emergency Safety Intervention” is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

“Incident means each occurrence of the use of an emergency safety intervention.

“Law enforcement officer” and “police officer” means a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

“Legitimate law enforcement purpose” means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointing authority.

“Mechanical Restraint” means any device or object used to limit a student’s movement.

“Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.A.A. 72-3122 (d) (2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; or (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

“Physical Escort” means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

“Physical Restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

“School resource officer” means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

“School security officer” means a person who is employed by a Board of Education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

“Seclusion” means placement of a student in a location where all of the following conditions are met: (1) the student is placed in an enclosed area by school personnel; (2) the student is purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or reasonably believes that he or she will be prevented from leaving, the enclosed area.

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GAAF Emergency Safety Interventions (Continued)

“Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student’s airway;
- Using physical restraint that impacts a student’s primary mode of communication;
- Using chemical restraint, except as prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Use of mechanical restraint, **except**:
 - Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;
 - Any device used by law enforcement officers to carry out law enforcement duties; or
 - Seatbelts and other safety equipment when used to secure students during transportation

Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student’s behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

ESI Restrictions

A student shall not be subjected to ESI if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ESI. The existence of such medical condition must be indicated in a written statement from the

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GAAF Emergency Safety Interventions (Continued)

student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger and any suggested alternatives to ESI. Notwithstanding the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others.

Use of Seclusion

When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in case of emergency, such as fire or severe weather.

A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such rooms shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

Training

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques and prevention techniques. Such training shall be consistent with nationally recognized training programs on ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members and other staff deemed most likely to need to restrain a student will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state Board of Education upon request.

Notification and Documentation

The principal or designee shall notify the parent the same day as an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the same-day notification. Also, a

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GAAF Emergency Safety Interventions (Continued)

parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include: (A) the events leading up to the incident; (B) student behaviors that necessitated the ESI; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of ESI used, the duration of the ESI and the school personnel who used or supervised the ESI; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future incidents; and (G) email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same.

The parent shall be provided the following information after the first and each subsequent incident during each school year: (1) a copy of this policy which indicates when ESI can be used; (2) a flyer on the parent's rights; (3) information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and, the complaint process of the state Board of Education; and (4) information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an incident of ESI, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident shall be provided with a full and direct website address containing such information.

Law Enforcement, School Resource and Campus Security Officers

Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state Department of Education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

BOARD POLICIES – Section G -- Personnel

GAAF Emergency Safety Interventions (Continued)

Documentation of ESI Incidents

Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the ESI,
- Type of ESI,
- Length of time the ESI was used,
- School personnel who participated in or supervised the ESI,
- Whether the student had an individualized education program at the time of the incident,
- Whether the student had a section 504 plan at the time of the incident and whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

Reporting Data

District administration shall report ISE data to the state department of education as required.

Parent Right to Meeting on ISI Use

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

For a student with an IEP or a Section 504 plan, such student's IEP team or Section 504 team shall discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan or amend the behavior intervention plan if already in existence.

BOARD POLICIES – Section G -- Personnel

GAAF Emergency Safety Interventions (Continued)

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

For a student without an IEP or Section 504 plan the school staff and the parent shall discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

The student who is the subject of such meetings shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student if such student would benefit from such measures.

Local Dispute Resolution Process

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

The Board of Education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the Board of Education and provide a copy to the State Department of Education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (3) days after the parent is informed of the incident.

BOARD POLICIES – Section G -- Personnel

GAAF Emergency Safety Interventions (Continued)

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report the findings of facts and recommended corrective action, if any, to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complain, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school and the State Department of Education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

If desired, a parent may file a complaint under the State Board of Education review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

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EMERGENCY SAFETY INTERVENTION DOCUMENTATION

Date: _____

Dear: _____

The purpose of this letter is to inform you that on _____, at _____ (a.m./p.m.)
(date) (time)
the need for the use of an Emergency Safety Intervention was required for
_____.

(name of student)

K.A.R. 91-42-1(c) defines Emergency Safety Interventions (ESI) as “the use of seclusion or physical restraint when a student presents an immediate danger to self or others. Violent action that is destructive of property may necessitate the use of an ESI.” Whenever an ESI is used, the parent(s)/guardian(s) must be informed within (2) school days.

Type of Emergency Safety Intervention Used: Seclusion _____ Restraint _____

Duration of Seclusion/Restraint: _____ (minutes) Location: _____

Name of Staff Member: _____ Witnesses: _____

Description of Incident:

Please contact the building principal if you have any questions regarding this use of ESI.

(Signature of person completing report)

(Date)

*Parent(s)/guardian(s) notified of this incident on _____ by _____
(Date) (Name of staff member)

*Original provided to Building Principal
*Copy provided to (Parents/Guardians, Administrative Office)

BOARD POLICIES – Section G -- Personnel

GAB Leaves

Licensed employees will be provided with paid and unpaid leave in accordance with applicable law and the negotiated agreement. The board reserves the right to grant additional leave.

Classified employees will be provided with paid and unpaid leave in accordance with applicable law and as stipulated in the Classified Handbook. The board reserves the right to grant additional leave.

GACC Recruitment and Hiring

Recruitment

The board delegates recruiting authority to the superintendent. In carrying out this responsibility, the superintendent may involve administrators and other employees.

Hiring

The board shall approve the hiring of all employees. No staff member's employment is official until the contract or other document is signed by the candidate and approved by the board.

Hiring Sequence

- Conditional offer of employment is extended to the candidate subject to revocation or, if provisional employment has already begun, termination of employment based upon unsatisfactory results of any reference and/or background checks performed;
- Acceptance by the candidate is received;
- Contract or other appropriate document sent to the candidate and candidate's acceptance signified by a signed document returned to the superintendent; and
- Approval of the contract or other documents by the board

BOARD POLICIES – Section G -- Personnel

GACC Recruitment and Hiring (Continued)

APPLICANT JOB APPLICATION ACKNOWLEDGMENTS

The following statements should be included on all job applications:

1. I certify that all the information provided by me in this application is true and complete. I understand that any misstatement, falsification, or omission of information is grounds for refusal to hire or, if I am hired and the same is discovered thereafter, termination.
2. I authorize any of the persons or organizations referenced in this application to give you any and all information concerning my previous employment, education, or any other information, personal or otherwise, with regard to any of the subjects covered by this application, and I release all such parties from all liability for any damages that may result from furnishing such information to you. I authorize any background checks by any third party.
3. I authorize you to request, receive, and verify all information given on this application and I release you from all damages that may result from your doing so.
4. I authorize you to conduct a criminal background investigation using any and all methods necessary to successfully complete such investigation and I release you from all liability for any damages that may result from your doing so.

(Signature of Applicant)

(Date)

BOARD POLICIES – Section G -- Personnel

GACC Recruitment and Hiring (Continued)

Affidavit of Continuous Residency

STATE OF KANSAS, SEDGWICK COUNTY, SS:

I, _____, of lawful age, being first duly sworn on my oath, allege and state as follows:

1. That I have been a permanent resident of the State of Kansas for the past _____ years.
2. That I have resided at the following addresses for the last 10 years: (List most recent first.)

Address (Street Address, Town or City and Zip Code)	From	To

Name

Subscribed and sworn to before me this _____ day of _____, 2000.

Notary Public

My Appt. Expires: _____

BOARD POLICIES – Section G -- Personnel

GACD Employment Eligibility Verification (Form I-9)

All employees of the district, at the time of employment, shall provide verification of identity and employment status to the superintendent.

The superintendent shall maintain a file on all of the district's employees hired after November 6, 1986, proving that each employee has verified their identity, employment status, U.S. citizenship, or legal alien status.

For additional information see:

<http://www.uscis.gov/files/nativedocuments/m-274.pdf>

Documents That Establish Identity (Policy GACD)

To establish employment eligibility only, a person must present a document such as a Social Security card, a U.S. birth certificate, or one of the other documents listed.

For individuals 18 years of age or older:

- Driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- School ID card with photograph
- Voter's registration card
- U.S. military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner card
- Native American tribal document
- Driver's license issued by a Canadian government authority
- For persons under age 18 who are unable to present a document listed above:
 - Form M-274 (rev. 11/01/2007)
 - School record or report card
 - Clinic, doctor or hospital record
 - Day-care or nursery school record

If a person is unable to present the required document(s) within three business days of the date employment begins, he or she must present (within three business days) a receipt*. The person then must present the actual document when the receipt period ends. The person must have indicated on or before the time employment began, that

BOARD POLICIES – Section G -- Personnel

GACD Employment Eligibility Verification (Form I-9) (Continued)

he or she is already eligible to be employed in the United States. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable.

*Check the link in the policy for more details. In some cases, persons seeking work can apply for a document and present a receipt to the employer that shows they have applied for a required document.

GACE Assignment and Transfer

The board reserves the right to assign, reassign, or transfer all employees, unless otherwise provided in the negotiated agreement.

The board may delegate its authority to assign, reassign, or transfer any or all employees to the superintendent.

GAD Employee Development Opportunities

Except as may be specified in the negotiated agreement concerning staff members covered thereby, all employees are encouraged to develop and submit, through supervisory channels, plans or proposals for the improvement of skills, knowledge and technical performance capabilities.

GADA Staff Development Education

There shall be a program of staff development education for employees which meets minimum statutory requirements, and which promotes continuous professional development, diversification in academic foundations or subject knowledge, improved job effectiveness and enhanced skills. When appropriate, the superintendent shall consult with the staff affected by the staff development. All staff development activities that require out-of-state travel must be approved by the board. Teachers are not required to get permission from the BOE for out-of-state travel when the travel is associated with a field trip that is already allowed by BOE policy JGGB. Requests by teachers for out-of-state travel must be made at the board meeting at least one regular meeting before the desired travel.

GADA-R Staff Development Education

All appropriate employees shall attend staff development education sessions unless excused by the superintendent. Staff development programs may utilize all or a portion of the work day.

BOARD POLICIES – Section G -- Personnel

GAE Sexual Harassment

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination on the basis of sex, including sexual harassment. The district does not discriminate on the basis of sex in admissions, employment, or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated in the school district. Discrimination on the basis of sex of employees or students of the district by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs, or events within the United States. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violation of this policy by any employee shall result in disciplinary action, up to and including termination.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following: (1) A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct; (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an employee's job status.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any time.

BOARD POLICIES – Section G -- Personnel

GAE Sexual Harassment (continued)

(Position or name, address, email address, and phone number of the Title IX Coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, and the Kansas Act Against Discrimination. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the Title IX Coordinator.

Inquiries about the application of Title IX to the district may be referred to the Title IX Coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800)421-3481, or at OCR@ed.gov; or both.

Response to Harassment Complaints

The district takes all reports of sexual harassment seriously and will respond meaningfully to every report of discrimination based on sex, including sexual harassment, of which the district has actual knowledge. Employees who believe they have been subjected to sexual harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building administrator or the Title IX Coordinator. All employees receiving reports of alleged sexual harassment shall notify the Title IX Coordinator.

Definitions

The following definitions apply to the district in responding to complaints of sexual discrimination including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

The “complainant” means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

BOARD POLICIES – Section G -- Personnel

GAE Sexual Harassment (continued)

“Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment.

The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

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

“Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

The “Title IX Coordinator” is the individual designated at the district level who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance, creating systems to centralize records, gathering relevant data, contacting the complainant (and/or parents or guardians, if applicable) once the district has actual knowledge of alleged sexual harassment, coordinating the implementation of supportive measures, signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment; the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes;

BOARD POLICIES – Section G -- Personnel

GAE Sexual Harassment (continued)

and how to serve impartially, including by avoiding prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on 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. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor, building administrator, or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate district officials may face disciplinary action. District officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

If discrimination or harassment has occurred, the district will take prompt, remedial action to stop it and prevent its reoccurrence.

The Title IX Coordinator shall promptly respond in a meaningful way to any reports of sexual discrimination including sexual harassment of which the district has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

Supportive Measures

The district will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the

BOARD POLICIES – Section G -- Personnel

respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party.

GAE Sexual Harassment (continued)

“Supportive Measures” shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the district’s educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Formal Complaint

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district concerning which the formal complaint is filed.
- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- An investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the board. The investigation shall be thorough. All interested

BOARD POLICIES – Section G -- Personnel

GAE Sexual Harassment (continued)

persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

Formal Complaint Notice Requirements

Upon filing of a formal complaint, the district shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
 - the identities of the parties involved, if known;
 - the conduct allegedly constituting sexual harassment; and
 - the date and location of the alleged incident, if known.
- The district's investigation procedures, including any informal resolution process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
- Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
- Notice to the parties of any provision in the district's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice of the additional allegations shall be provided to known parties.

Formal Complaint Investigation Procedures

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;

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- Provide written notice of the date, time, location, participants, and purpose of any interview, meeting, or hearing at which a party is expected to participate;

GAE Sexual Harassment (continued)

- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;
- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondent;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

Formal Complaint Investigation Report

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of the evidence standard to determine responsibility.

Decision-Maker's Determination

Upon receiving the investigator's report, the decision-maker must make a determination regarding responsibility and afford each party the opportunity to submit written, relevant questions that the parties want asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps taken, including any notifications to the parties, site visits, methods used to gather evidence, and interviews;
- Include the findings of fact supporting the determination;
- Address any district policies and/or conduct rules which apply to the facts;
- Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any

BOARD POLICIES – Section G -- Personnel

disciplinary sanctions imposed on the respondent, and whether the remedies are designed to preserve access to the educational program or activity will be provided by the district to the complainant; and

GAE Sexual Harassment (continued)

- The procedures and permissible bases for the complainant and/or respondent to appeal the determination.

A copy of the written determination shall be provided to both parties simultaneously.

The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made. The Title IX Coordinator is responsible for the effective implementation of any remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed, or on the date the opportunity for an appeal expires.

Appeals

The complainant or respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following base:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.

The request to appeal shall be made in writing to the Title IX Coordinator within 20 days after the date of the written determination. Appeals shall be on the record and heard by an attorney, an independent hearing officer appointed by the board, or the board. The appeal decision-maker may not be the Title IX Coordinator, the Investigator, or the decision-maker from the original

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determination. The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

GAE Sexual Harassment (continued)

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20

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days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable.

GAE Sexual Harassment (continued)

If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Initiation of a complaint of sexual harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving sex discrimination including sexual harassment is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination of employment.

To the extent possible while still following the above procedures, confidentiality will be maintained throughout the investigation and resolution of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to provide supportive measures to both parties, to take appropriate corrective action, and to provide due process to the complainant and the respondent.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each district facility, shall be published in employee handbooks, and on the district's website as directed by the Title IX Coordinator. Notification of the policy may include posting information notices, publishing in local newspapers, publishing in newspapers and magazines operated by the school, or distributing memoranda or other written communications to students and employees. In addition, the district is required to include a statement of nondiscriminatory policy in any bulletins, announcements,

BOARD POLICIES – Section G -- Personnel

publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

GAEA Racial and Disability Harassment: Employees

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination, including harassment, on the basis of race, color or national origin or disability. Racial and disability harassment will not be tolerated in the school district. Racial or disability harassment of employees or students of the district by board members, administrators, certificated and support personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Racial harassment is unlawful discrimination on the basis of race, color or national origin under Titles VI and VII Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. Disability harassment is unlawful discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. All forms of racial and disability harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events. Racial or disability harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to racially harass or harass on the basis of disability any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violations of this policy by any employee shall result in disciplinary action, up to and including termination.

Harassment prohibited by this policy includes racially or disability-motivated conduct which:

1. Affords an employee different treatment, solely on the basis of race, color or national origin, or disability, in a manner which interferes with or limits the ability of the employee to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile working environment;
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's work performance or employment opportunities.

BOARD POLICIES – Section G -- Personnel

Racial or disability harassment may result from verbal or physical conduct or written or graphic material.

GAEA Racial and Disability Harassment: Employees (Continued)

The district encourages all victims of racial or disability harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of racial or disability harassment will be promptly investigated and resolved.

Employees who believe they have been subjected to racial or disability harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building administrator or the district compliance coordinator. Employees who do not believe the matter is appropriately resolved through this meeting may file a formal complaint under the district's discrimination complaint procedure. (See KN)

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes racial or disability harassment under the definition outlined above. Unacceptable conduct may or may not constitute racial or disability harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence.

Any employee who witnesses an act of racial or disability harassment or receives a complaint of harassment or receives a complaint of harassment from another employee or a student shall report the complaint to the building administrator. Employees who fail to report complaints or incidents or racial or disability harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of racial or disability harassment may also face disciplinary action.

Initiation of a complaint of racial or disability harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a racial or disability harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to termination of employment.

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

BOARD POLICIES – Section G -- Personnel

False or malicious complaints of racial or disability harassment may result in corrective or disciplinary action against the complainant.

GAEA Racial and Disability Harassment: Employees (Continued)

A summary of this policy shall be posted in each district facility and shall be published in employee handbooks and on the district's website as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

GAEB Complaints of Discrimination

The district is committed to maintaining a working and learning environment free from discrimination, insult, intimidation or harassment due to race, national origin, religion, sex, age, disability or genetic information.

Any incident of discrimination in any form shall promptly be reported to an employee's immediate supervisor, the building principal or the district compliance coordinator for investigation and corrective action by the building or district compliance officer. Any employee who engages in discriminatory conduct shall be subject to disciplinary action, up to and including termination.

Discrimination against any individual on the basis of race, color, national origin, sex, disability, age, genetic information, or religion in the admission to access to, or treatment or employment in the district's programs and activities is prohibited. Smith Shay Farmer Wetta, Attorneys at Law, 350 O.W. Garvey Building, 200 West Douglas, Wichita, Kansas 67202, has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI and Title VII of the Civil Rights Act of 1964 except discrimination on the basis of sex, and The Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and the Food Stamp Act of 1977, as amended. Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in board policies GAAC and JGEC and shall be directed to the Title IX Coordinator at (Position or name, address, email address, and phone number of Title IX Coordinator). More information may be obtained on discrimination on the basis of sex by contacting the Title IX Coordinator. Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in board policy KNA, and more information may be obtained on procedures for such complaint by contacting the district compliance coordinator.

Complaints of discrimination should be addressed to an employee's supervisor or to the building administrator or the compliance coordinator. Complaints against the superintendent should be addressed to the Board of Education.

BOARD POLICIES – Section G -- Personnel

Unless otherwise provided herein, complaints of discrimination will be resolved using the district's discrimination complaint procedures. (See KN)

GAEA Racial and Disability Harassment: Employees (Continued)

The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or hearing.

GAEC Staff-Student Relations (See JGEC, JGECA, GAAC and GAACA)

Staff members shall maintain professional relationships with students, which are conducive to an effective educational environment. Staff members shall not submit students to bullying, harassment or discrimination prohibited by board policy. Staff members shall not have any interaction of a romantic and/or sexual nature with any student at any time regardless of the student's age or consent.

GAF Employee Policies for Internet Access

1. All use of the Internet must be in support of education and research and consistent with the purposes of all Renwick USD 267 schools.
2. Any use of the network to facilitate illegal activity is prohibited.
3. Any use of the network for commercial or for-profit purposes is prohibited.
4. Any use of the network for product advertisement or political lobbying is prohibited.
5. Network accounts are to be used only by those authorized to use the account for authorized purposes.
6. Communications via the network are assumed to be private or privileged information.
7. No use of the network shall serve to disrupt the use of the network by others; hardware or software shall not be destroyed, modified, or abused in any way.
8. Malicious use of the network to develop programs that harass other users or infiltrate a computer computing system and/or damage the software components of a computer or computing system is prohibited.
9. Hate mail, harassment, discriminatory remarks, flaming*, spamming** and other antisocial behaviors are prohibited.
10. The illegal installation of copyrighted software for use on district computers is prohibited.
11. Use of the network to access obscene or pornographic material is prohibited.
12. Use of the network to transmit material likely to be offensive or objectionable to recipients is prohibited.

BOARD POLICIES – Section G -- Personnel

- 13. Students should be encouraged not to use their full names or give out their home addresses on any communications on the Internet.

GAF Employee Policies for Internet Access (continued)

- 14. Diligent effort must be made to delete mail from the mail directory to avoid use of file server hard disk space.
- 15. Infraction(s) of this policy can result in discipline, including dismissal from employment.
- 16. Email and files on district computers and servers are the property of Renwick School District.

*flaming -- Posting electronic messages which express an intense hatred or dislike of another's point of view or of another person.

**spamming -- Posting annoying electronic messages to several persons or groups (akin to junk mail faxes.)

Signature _____ Date _____

GAG Conflict of Interest

District employees are prohibited from engaging in any activity which may be a conflict of interest and/or detracts from the effective performance of their duties. No employee will attempt, during the school day or on school property, to sell or endeavor to influence any student or school employee to buy any product, article, instrument, service or other items which would directly or indirectly benefit the school employee. No school employee will enter into a contract for remuneration with the district other than a contract for employment unless the contract is awarded on the basis of competitive bidding.

Any district employee shall report alleged violations of the conflict of interest policy to the superintendent. The superintendent shall make an initial investigation to determine whether the policy has been violated. Upon evidence of a violation, the superintendent shall report to the board for a board determination. If a district employee has been found to have violated the conflict of interest policy, the board will order the employee, in writing, to cease and desist from all such activities. If the employee fails to comply, the board may suspend or terminate the employee.

GAGA Nepotism

The superintendent shall make reasonable efforts to determine whether a candidate for employment is related to or residing with_a board member or an a

BOARD POLICIES – Section G -- Personnel

GAGA Nepotism (continued)

Administrator of the district. If a candidate is related to or residing with a board member or administrator, the superintendent will make this fact known to the board.

Except in an emergency or in the case the individual is deemed to be the most qualified candidate for the position by the board, the board will not employ anyone who is the father, mother, brother, sister, spouse, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law of any board member or who resides in the household of any board member.

This provision shall not apply to any person who has been regularly employed by the board prior to the adoption of this policy or to any person who has been regularly employed by the board prior to the election or appointment of a new board member to whom the person is related.

Supervision Limitations

No employee shall directly supervise or be responsible for any portion of the evaluation of his or her father, mother, brother, sister, spouse, son, daughter, step-son, step-daughter, son-in-law or daughter-in-law or an individual residing with the employee.

GAHB Political Activities

Holding Public Office

Staff members elected or appointed to a public office which restricts the employee's ability to complete contractual obligations may be required to take unpaid leave for a period of time determined by the board or may be terminated.

Staff members holding a public office, which in the judgment of the board is less than full-time, shall request unpaid leave from the superintendent at least one week in advance.

An employee who must be absent from school to carry out the duties of a public office must take a leave of absence without pay for the duration of the public office.

Political Activity in the Schools

BOARD POLICIES – Section G -- Personnel

Staff members shall not use school time, school property or school equipment for the purpose of furthering the interests of any political party, the campaign of any political candidate or the advocacy of any political issue.

GAHB Political Activities *(continued)*

For the purposes of this policy, “advocacy of any political issue” shall not be deemed to include providing information on educational matters to elected officials.

GAJ Gifts to Staff Members

Staff members are prohibited from receiving gifts from vendors, salesmen, or other such representatives. This does not include any normal free samples or nominal gifts, such as pens, paper, magnets, etc. that occur on a semi-regular basis. If an employee is found to have accepted a gift from any person as outlined in this policy, the employee may be subject to disciplinary action. The Superintendent shall be responsible for the administration of this policy.

GAK Personnel Records

Personnel files required by the District shall be confidential and in the custody of the records custodian and/or the superintendent. Employees have the right to inspect their files upon proper notice under the supervision of an appropriate supervisor. All records and files maintained by the district should be screened periodically by the custodian of records.

All personnel files and evaluation documents, including those stored by electronic means, should be adequately secured.

Requests for References

Unless otherwise allowed by law, a request by a third party for release of any personnel record shall require the written consent of the employee, and shall be submitted to the records custodian who shall respond to the request as the law allows.

Upon receipt of a written request, district officials may provide information regarding past and present employees to prospective employers in compliance with current law. Information that may be provided will include:

- Employment date(s);
- Job description and duties while in the district’s employ;
- Last salary or wage;
- Wage history;

BOARD POLICIES – Section G -- Personnel

- Whether the employee was voluntarily or involuntarily released from service and the reasons for separation;

GAK Personnel Records (continued)

- Written employee evaluations which were conducted prior to the employee's separation from the employer and to which an employee shall be given a copy upon request

Immunity Provided

Unless otherwise provided by law, an employer who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee shall be absolutely immune from civil liability for disclosure of the information noted earlier in this policy to which an employee may have access.

Prohibition on Aiding and Abetting Sexual Abuse

Pursuant to the federal Every Student Succeeds Act, the board prohibits the board, individual board members, and any individual or entity who is a district employee, contractor, or agent from assisting a district employee, contractor, or agent in obtaining a new job if the board, individual, or entity knows, or has probable cause to believe that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. For the purposes of this policy, it shall not be deemed assisting in obtaining a new job if the aforementioned individuals or entities participate in the routine transmission of administrative and personnel files in accordance with law and this policy.

GAN Travel Expenses (continued)

The board shall provide reimbursement for expenses incurred in travel related to the duties of the district's employees when approved in advance by the superintendent. Mode of travel will be based on, but not limited to, the availability of transportation, distance and number of persons traveling together. A first class air fare will be reimbursed only when coach space is not available.

Requests for reimbursement shall have the following attached: receipts for transportation, parking, hotels or motels, meals and other expenses for which receipts are ordinarily available. For the authorized use of a personal car, including approved travel between buildings, staff members shall be reimbursed at a mileage rate established by the board.

BOARD POLICIES – Section G -- Personnel

Travel Reimbursement – Federal Programs

GAN Travel Expenses (continued)

The board shall reimburse employees and school board for travel costs incurred in the course of performing services related to official business as a federal grant recipient. School board members must have prior written approval from the federal awarding agency or pass-through entity to get reimbursement for expenses specifically related to a federal award.

For purposes of this procedure, travel costs shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and/or board members who are in travel status on official business as a federal grant recipient.

Board members and district employees shall comply with applicable board policies established for reimbursement of travel and other expenses.

The validity of payments for travel costs for all district employees shall be determined by the superintendent or designee.

Travel costs shall be reimbursed on a mileage basis for travel using an employee's or board member's personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district's nonfederally funded activities, and in accordance with the district's travel expenses policy GAN.

Mileage reimbursements shall be at the rate approved by the board for other district travel reimbursements. Actual costs for meals, lodging, and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by the {board/the federal General Services Administration for federal employees for locale where incurred.}

All travel costs must be presented with an itemized, verified statement prior to reimbursement.

In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that:

Participation of the individual is necessary to the federal award, and

The costs are reasonable and consistent with the district's established policy.

GAN A Expense Reimbursement and Credit Cards (Non-Administrative Staff)

BOARD POLICIES – Section G -- Personnel

Non-administrative staff use of a district credit card, if authorized by the staff member's immediate supervisor, shall be confined to necessary school business and shall be subject to any guidelines for such use established by the board or district **GAN** Expense Reimbursement and Credit Cards (Non-Administrative Staff) (continued)

administration. Unless otherwise specified in guidelines established pursuant to this policy, staff members shall retain any receipt(s) for district credit card expenditures(s) and shall provide them to the staff member's immediate supervisor as soon as practicable following the expenditure.

The superintendent may designate administrative and other staff members to whom a district credit card will be issued. The board shall annually prescribe limits and restrictions on the use of credit cards and shall monitor receipts and reimbursements expenses. In no case will credit card expenditures in excess of \$_____ in one (month/year) be authorized for any non-administrative staff member without the prior approval of the superintendent.

Accountings of district credit card use shall be provided to the board for review on a monthly basis, and a record of district credit card usage shall be maintained. Expenses for district travel in personal vehicles or extended travel incurred in the performance of official duties shall be reimbursed in accordance with the provisions of GAN.

GAO Maintaining Proper Control

Each employee is responsible for maintaining proper control in the school. Unless otherwise specified in board policy, an employee may use reasonable force necessary to ward off an attack, to protect a student or another person, or to quell a disturbance which threatens physical injury to others.

GAOA Drug and Alcohol Free Workplace (continued)

Maintaining a drug free work place is important in establishing an appropriate learning environment for the students of the district. Unless otherwise specified in this policy, the unlawful manufacture, distribution, sale, dispensation, possession or use of a controlled substance is prohibited at school, on or in school district property; and at school sponsored activities, programs, and events. Possession and/or use of a controlled substance by an employee for the purposes of this policy shall only be permitted if such substance was obtained directly, or pursuant to a valid prescription or order issued thereto, from a person licensed by the state to dispense, prescribe, or administer controlled substances and any use is in accordance with label directions.

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GAOA Drug and Alcohol Free Workplace (continued)

Alternative

As a condition of continued employment in the district, employees shall abide by the terms of this policy.

Employees shall not unlawfully manufacture, distribute, dispense, possess and/or use controlled substances in the workplace.

Any employee who is convicted under a criminal drug statute for a violation occurring at the workplace must notify the superintendent of the conviction within five days after conviction. The superintendent shall then ensure that notice of such conviction is given to any granting agency within 10 days of receiving notice thereof.

Within 30 days after the notice of conviction is received, the school district will take appropriate action with the employee. Such action may include suspension, placement on probationary status, or other disciplinary action including termination. Alternatively, or in addition to any action short of termination, the employee may be required to participate satisfactorily in an approved drug abuse assistance or rehabilitation program as a condition of continued employment. The employee shall bear the cost of participation in such program. Each employee in the district shall be given a copy of this policy.

This policy is intended to implement the requirements of the federal regulations promulgated under the Drug Free Workplace Act of 1988. It is not intended to supplant or otherwise diminish disciplinary actions which may be taken under board policies or the negotiated agreement.

Maintaining a drug free workplace is important in establishing an appropriate learning environment for the students of the district. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the district.

The possession, use, sale, distribution, or being under the influence of controlled substances and/or alcohol by school employees at school, on, in, or while utilizing school property, or at school sponsored activities, programs, or events are prohibited.

Employee Conduct

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As a condition of continued employment in the district, all employees shall abide by the terms of this policy. Employees shall not unlawfully manufacture, distribute, dispense, possess, use, and/or be under the influence of illicit drugs, controlled substances and/or alcoholic beverages at school, on, in, or while utilizing school property, or at school sponsored activities, programs, or events.

GAOB Drug-Free Schools (Personnel) (continued)

Possession, use, and/or being under the influence of a controlled substance by an employee for the purposes of this policy shall only be permitted if such substance was:

1. Obtained directly from, or pursuant to a valid prescription or ordered, issued to such employee from a person licensed by the state to dispense, prescribe or administer controlled substances; and
2. Use, if at all, in accordance with label directions.

Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. Additionally, an employee who violates the terms of this policy may be subject to any or all of the following sanctions:

1. Short term suspension with pay;
2. Short term suspension without pay;
3. Long term suspension without pay;
4. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program;
5. Termination or nonrenewal of employment relationship.

Prior to applying sanctions under this policy, employees will be afforded any due process rights to which they are entitled under their contracts, or the provisions of Kansas law. Nothing in this policy is intended to diminish the right of the district to take any other disciplinary action. This policy is not intended to change any right, duty or responsibilities in the current negotiated agreement.

If it is agreed that an employee shall enter into and complete a drug education or rehabilitation program, the cost of such program will be borne by the employee. A list of area drug and alcohol counseling and rehabilitation programs along with names and address of contact persons for the program is on file with the board clerk.

Employees are responsible for contacting the directors of the programs to determine the cost and length of the program, and for enrolling in the programs. If participation in such a program is required as a condition of continued employment, copies of any documentation related to enrollment in and attendance in such program shall be made available to the board and/or administration upon request.

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A copy of this policy shall be provided to all employees.

GAOC Tobacco Free School Grounds for Staff (continued)

The use, possession, or promotion of any tobacco product by staff members is prohibited at all times in any district facility; in school vehicles; at school-sponsored activities, programs, or events; and on school owned or operated property.

The following definitions apply to this policy.

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, electronic nicotine delivery system (hereafter “ENDS”), cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, charging devices, cartridges, and any substance used in ENDS, whether or not they contain nicotine. This definition does not include FDA-approved nicotine replacement therapies including transdermal nicotine patches, nicotine gum, and nicotine lozenges prescribed to the employee by a medical practitioner or obtained over the counter and used in accordance with label requirements.

“Electronic nicotine deliver system” or “(ENDS)” means any device that delivers a vaporized solution (including nicotine, THC, or any other substance) by means of cartridges or other chemical delivery systems. Such definition shall include, but may not be limited to, any electronic cigarette, vape pen, hookah pen, cigar, cigarillo, pipe, or personal vaporizer. ENDS are not FDA-approved nicotine replacement therapy devices.

“Promotion” includes, but is not limited to, product advertising via branded gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

GAOE Workers Compensation

The district will participate in workers compensation as required by current statute. The combined workers’ compensation benefits and salary received under allowed sick leave, or other available leave, shall not exceed one full day's pay.

All employees of the district shall be covered by workers compensation. Workers compensation coverage is provided for all employees regardless of

BOARD POLICIES – Section G -- Personnel

assignment, length of assignment, and/or hours worked per day. Benefits are for personal injury from accident or industrial diseases arising out of and in the course of employment in the district.

An injured employee must notify the designated employer's workers compensation coordinator or, if the coordinator is unavailable, his or her supervisor

GAOE Workers Compensation (continued)

within 20 days of the injury or within 20 days of repetitive trauma in order to be eligible for benefits.

The workers compensation plan will provide coverage for medical expenses and wages to the extent required by statute to those employees who qualify; however, the amount of workers compensation benefits and sick leave benefits shall not exceed a regular daily rate of pay. An employee using sick leave, or other available leave, in combination with workers compensation will be charged for one full or partial day of paid leave, as provided for in the applicable leave policy or the negotiated agreement, for each day of absence until the employee's paid leave is exhausted.

Any employee who is off work and drawing workers compensation shall be required to provide the designated workers compensation coordinator with a written doctor's release before the employee is allowed to return to work. In addition, should the employee be released to return to work by a doctor and fail to do so, all benefits under sick leave shall be terminated and those benefits under workers compensation shall be restricted as provided by current statute.

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury or is receiving district paid disability insurance, the employee may use available paid sick leave to supplement the workers compensation or district paid disability insurance payments. Workers compensation benefits and FMLA benefits provided in a board approved plan shall run concurrently if both are applicable.

In no event shall the employee be entitled to a combination of workers compensation benefits, district paid disability insurance, and salary in excess of his/her full salary. Available paid sick leave may be used for this purpose until 1) available paid sick leave benefits are exhausted; 2) the employee returns to work; or 3) the employee is released by the medical provider and a position is offered by the employer, but the employee declines to return to work; or 4) employment is terminated. Sick leave shall be calculated on a prorata amount equal to the percentage of salary paid by the district.

Testing

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The board, through its designated workers compensation coordinator, may require employees who claim or are involved in an accident in the course of employment to submit to a post-injury chemical test. This includes instances where the district administration or workers compensation coordinator has actual knowledge of an accident whether the employee has or has not requested medical treatment. If an employee refuses to submit to an employer requested post-injury chemical test, the employee forfeits all related workers compensation benefits as provided in K.S.A. 44-**GAOE** Workers Compensation (Continued)

501(b)(1)(E). Chemical test collection, labeling, and performance shall meet the requirements found in K.S.A. 44-501(b)(3).

Choice of Physician

The board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing their job. However, if the injured employee chooses to go to a medical provider other than the designated provider, the recovery for such expenses shall be limited to \$500.00.

GAOF Salary Deductions

Salary deductions shall be made if permitted by board policy, the negotiated agreement, or as required or authorized by law. The district shall comply with the salary basis requirements of the Fair Labor Standards Act (FLSA).

The superintendent shall develop forms to provide information needed to make approved salary deductions. All requests for salary deductions shall be submitted to the superintendent during enrollment periods established by the board.

GAR Communicable Diseases

Whenever an employee has been diagnosed by a physician as having a communicable disease as defined in current regulation, the employee shall report the diagnosis and nature of the disease to the superintendent or the superintendent's designee so that a proper reporting may be made to the county or joint board of health as required by current law.

An employee afflicted with a communicable disease dangerous to the public health shall be suspended from duty for the duration of the contagiousness in order to give maximum health protection to school employees and to students.

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The employee shall be allowed to return to duty upon recovery from the illness, or when the employee is no longer contagious as authorized by the employee's physician.

The board reserves the right to require a written statement from the employee's physician indicating that the employee is free from all symptoms of the communicable disease.

GAR Communicable Diseases (Continued)

If a school employee has been diagnosed as having a communicable disease and the superintendent has been notified by the employee, the superintendent or the superintendent's designee shall determine whether a release shall be obtained from the employee's physician before the employee returns to duty.

Decisions regarding the type of employment setting for an employee with a communicable disease shall be made by the superintendent or the superintendent's designee based upon consideration the physical condition of the employee and the following factors:

- The nature of the risk
- The duration of the risk;
- The severity of the risk; and
- The probability that the disease will be transmitted or cause harm to the employee or to others who will share the same setting.

No information regarding employees with communicable diseases shall be released by school personnel without the employee's consent except to comply with state or federal law.

Additional Certification of Health

If at any time the board has reason to believe that an employee is suffering from an illness detrimental to the health or pupils, the board reserves the right to require such employee to provide the board with a new certificate of health in order to protect the health, safety and welfare of the school's students.

AIDS

In each case involving an employee with AIDS, the board shall reserve the right to make a final decision regarding the employment status of the employee after taking into account the recommendations of the health assessment team, the risks and benefits to both the employee and to others in the proposed work setting.

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No information regarding employees with communicable diseases shall be released by district personnel without the employee's consent except to comply with state or federal statutes.

GAR Communicable Diseases (Continued)

Guidelines for Dealing with Employees Infected with HIV in the District Schools

- A. The district establishes the following guidelines for dealing with the problems presented by school employees who have or could transmit HIV to other school employees or students. The guidelines will be reviewed periodically and revised as necessary to reflect new medical information regarding HIV.
- B. Based upon the present knowledge that HIV is primarily transmitted by blood or sexual contact, and that casual person-to-person contact as would occur among school employees appears to pose no risk, individuals known to be infected with HIV virus should not be restricted from the work setting unless otherwise medically indicated. Those individuals include the following: school personnel with positive antibodies to the HIV virus; school personnel who have illness due to the virus but do not meet the HIV CASE definition; and school personnel with HIV.

Case Review

The determination of the appropriate educational setting for HIV infected individuals should be done on a case-by-case basis by a review board and should be weighed against the risk and benefits to both the infected individual and to others who will share the same setting. The school nurse or county health nurse will serve as chairperson of the review board and is the contact source for all referred cases.

The review board may consist of, but not necessarily limited to, the employee's physician, school officials including the superintendent of schools, building administrator, office secretary to keep a written record of the proceedings, the employee and/or a representative of the employee and the county health officer. The school attorney may assist the review board as an observer and advise the board on legal questions.

Dealing With School Employees With HIV

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- A. The review board may need to develop additional procedures to periodically assess the employee's condition to assist in determining the employee's status to work. Establishment of a plan for periodic review of the employee's status shall be established by the Review Board at the initial meeting.

GAR Communicable Diseases *(Continued)*

- B. Before HIV infected individuals may work in the district, they shall be required to participate in a conference with appropriate school personnel for the purpose of determining reasonable expectations regarding the individual's responsibilities in the work setting. Written recommendations are to be developed from the conference.

Confidentiality

To the extent possible, knowledge of the employee's condition shall be retained within the review board members. In some situations it may be necessary that other personnel also be advised. This will be determined by the superintendent.

Policy Review

When new medical information becomes available with regard to HIV, these recommendations may be updated or changed as needed.

GARA Bloodborne Pathogen Exposure Control Plan

The board shall adopt an exposure control plan.

The plan shall be accessible to all employees and shall be reviewed and updated at least annually. All staff shall receive the training and equipment necessary to implement the plan.

Details of THE BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN are set out in the Administrative Guidelines and Procedures Manual for District School Health Services, adopted by the Renwick Board of Education on 8/ 22/94.

GARB Employee Assistance Program (EAP)

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Renwick USD #267 has the responsibility of providing a safe, healthy and efficient work environment for all safety sensitive employees. In an effort to enhance the personal well being of the Renwick USD #267 employees and their immediate family members and to contain the rising health care premiums of its work force, the Board of Education of Renwick USD #267 has chosen to make an Employee Assistance Program (EAP) available to all safety sensitive employees and their family members.

The Board of Education of the Renwick USD #267 will provide an Employee Assistance Program for all safety sensitive employees and their family members.

GARB Employee Assistance Program (EAP) (continued)

- A. The EAP will be available for use on a voluntary basis as well as for mandatory referrals.
- B. The EAP will provide assessment and referral services.
- C. The EAP will offer thorough and complete confidentiality.
- D. The Bus Manager of Renwick USD #267 shall be responsible for oversight and maintenance of the EAP and will provide, with the support of the Mental Health Consortium, high level direction and promotion of the EAP.
- E. The EAP will provide training and education for all safety sensitive employees on how to utilize the program and will provide additional training and education for supervisors who will be allowed to make mandatory referrals.

The EAP "Support line" 1-800-999-1196 will be coordinated by an external agency, the Mental Health Consortium, Inc. This program will include a toll-free 800 number, available 24 hours a day to be answered by a master's level mental health professional who will provide telephone counseling, and if requested by the caller, referral to appropriate services for further assistance. The 800 # and the policy will be provided to each individual safety sensitive employee and be available on school district bulletin boards.

Voluntary Referral

The EAP will be available to all safety sensitive employees and immediate family members to utilize at their own discretion as needed. Unlimited access is available. This process will involve the employee or family member merely dialing the 800 number

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and discussing the problem with a mental health professional. If requested by the caller and/or if appropriate, a referral will be made to appropriate resources to deal with the problem.

Mandatory Referral

Mandatory referrals may be made to the EAP by the supervisors of Renwick USD #267. A mandatory referral shall be the result of a documented problem or problems related to poor job performance on the part of the employee. If a mandatory referral is made by a supervisor, the referral form shall be completed by the supervisor, signed by the employee and the form forwarded to Bus Manager of Renwick USD #267
GARB Employee Assistance Program (EAP) *(continued)*

(See exhibit "A"). Bus Manager of Renwick USD #267 will contact the EAP counselor to alert them to the required contact. The employee will have 48 hours from after signing the referral form to contact an EAP counselor by calling the 800 number and setting up a face-to-face meeting with appropriate referral sources. The EAP counselor will confirm contact from the employee by notifying the Bus Manager of Renwick USD #267. Failure to contact the EAP counselor within 48 hours without just cause may be grounds for disciplinary action, including termination.

In the case of a mandatory referral for drug testing, the supervisor will accompany the employee to be tested to the testing site.

Confidentiality

The Employee Assistance Program Administrator (Mental Health Consortium, Inc.) shall maintain only those records necessary to comply with the program. After a supervisor refers an employee to the EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's problem, including the employee's identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only when authorized through written consent of the employee.

Leave Allowance

A. Voluntary Referral

Employees will be allowed to utilize their accrued sick leave or accrued personal leave to voluntarily access the EAP, should appointment(s) be necessary during their normal working hours. Renwick USD #267 would encourage employees to pursue assessment and counseling during off duty hours whenever possible.

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B. Mandatory Referral

Employees' sick/personal leave will be used for referral and assessment sessions which are mandated by the employee's supervisor, or the Bus Manager of Renwick USD #267. All counseling activities, referral and assessment will be the responsibility of the employee.

Training and Education

GARB Employee Assistance Program (EAP) *(continued)*

The EAP will provide an initial training and education program for employees to familiarize them with the program and its process. The Mental Health Consortium will provide two additional hours of training and education for supervisors to provide background on drugs and information for appropriate mandatory referrals through documented job performance incidents. As a result of this training, a supervisor may determine whether an employee may be drug tested for reasonable suspicion.

Informational Material

Through the Employee Assistance Program of the Mental Health Consortium informational materials in the form of posters, payroll stuffers and pamphlets will be made available to employees on a regular basis.

Drug and Alcohol Testing

Renwick USD #267 recognizes that the use and abuse of drugs and alcohol in today's society is a very serious problem which has also found its way into the work place. Renwick USD #267 also recognizes the significant threat that a drug-impaired employee working in the transportation industry can pose to the safety of the worker, co-workers and the general public. In order to address the safety threat presented by the problem of drug and alcohol abuse in the transportation industry, the Department of Transportation, and the Federal Highway Administration have established extensive regulations requiring drug and alcohol testing under certain circumstances. In light of the above, Renwick USD #267 has adopted this Anti-Drug Plan to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing and the methods and procedures for complying with the requirements of the regulations.

Additionally, Renwick USD #267's drug and alcohol testing program is incorporated in an overall Anti-Drug Plan that is designed to create a drug-free

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transportation industry and provide help to those employees who may suffer from problems with substance abuse. The Plan has been developed in compliance with existing federal regulations in a manner which ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, we recognize that our employees are our most valuable resource and we want to assist any employee who feels that he or she may have a problem with substance abuse.

A separate policy defines the employee assistance program of Renwick USD #267, which is also a part of the mandated requirements. Renwick USD #267 has adopted the following anti-drug program, effective January 1, 1996.

GARB-R Employee Assistance Program (EAP) (Continued)

- I. The use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating substances while on school district property or other work locations and/or during work hours is strictly prohibited.
 - A. The above provision is applicable to all Renwick USD #267 employees who perform covered work.
 - B. The school district will utilize all reasonable measures to maintain a drug free workplace for its employees, customers, and the general public.
 - C. Cooperation and compliance with the Renwick USD #267's Drug and Alcohol Testing Policy (as with all other school district policies and procedures) is a condition of continued employment for all employees involved in safety sensitive positions.
 - D. The Renwick USD #267's Drug and Alcohol Testing Policy is in compliance with the Federal Drug Free Workplace Act of 1988; Federal Highway Administration (FHA) Part 382. All collection and testing procedures will specifically follow the regulations set forth in 49 CFR Part 40 for drugs and alcohol.
 - E. For the purpose of assuring compliance with the above, both employees and applicants for safety sensitive positions will be subject to drug screening.
- II. The Board of Education of Renwick USD #267 has established the following factors in designating specific positions as safety sensitive.

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- A. Drivers of commercial vehicles:
 - 1. with a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds) or
 - 2. designated to transport 16 or more passengers including the driver.

III. Responsibilities.

- A. The Board of Education of Renwick USD #267 is responsible for the implementation and conformance of Renwick USD #267's drug and alcohol

GARB-R Employee Assistance Program (EAP) (Continued)

- B. testing policy to 49 CFR Parts 40, 382 (this includes any contractor personnel, including subcontractors and anyone employed by a subcontractor are subject to drug and alcohol testing if they perform a covered function); and for recordkeeping and confidentiality of the drug testing process. (This includes maintaining required records with respect to subcontractors.) In addition they are responsible for observing employee behavior and performance in relation to reasonable suspicion testing.
 - B. Failure to comply with this policy may lead to disciplinary action up to and including termination from employment.
 - C. Unless an employee's physician has advised the employee that the controlled substance they are taking does not adversely affect their ability to safely operate a commercial motor vehicle, an employee should not drive under the influence of a prescribed controlled substance. An employee must report the use of all prescribed controlled substances and provide Renwick USD #267 with a written release from their physician which states it is safe to perform the safety sensitive function.
- IV. A. Drug screening will be conducted for the following chemicals: Marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. A drug immunoassay screen will have the following thresholds for positive verification:

Marijuana Metabolite	50NG/ML
Cocaine Metabolite	300NG/ML
Opiates	300NG/ML
Phencyclidine	25NG/ML
Amphetamines/Methamphetamine	100NG/ML

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- B. When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test gas chromatography/mass spectrometry (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15NG/ML
Cocaine Metabolites	150NG/ML
Opiates	300NG/ML
Phencyclidine	25NG/ML
Amphetamine/Methamphetamine	500NG/ML

GARB-R Employee Assistance Program (EAP) (Continued)

- C. Alcohol testing will be conducted by utilizing an evidential breath testing device (EBT) which meets the requirements established by the conforming products list published in the Federal Register. A reading of .04 or greater on the EBT will result in the necessity of a second test occurring within 20 minutes in order to make a determination of positive.
- D. A second EBT test result of .04 or greater will result in the removal of the individual from the safety sensitive position.
- E. An initial EBT reading of .02 to .0399 will result in a second EBT test within the time frame noted in IV c. above. If the second test falls within the same range the individual will be removed from the safety sensitive position until the start of the next regularly scheduled duty period, but not less than 24 hours following the administration of the test.
- V. A. Collection sites for drug screening specimen collection will be established by the Consortium contractor. (Specific information related to the Chain of Custody form, (Protocol #1) laboratory analysis procedures, (Protocol #8) specimen collection procedures (Protocol #4) and blind sampling (Protocol #7) are all contained in the Mental Health Consortium's Drug and Alcohol Testing Protocol Manual.) Drug testing of the specimen will be provided through an established and accredited laboratory that has completed certification to conduct drug testing by the U.S. Department of Health and Human Services (DHHS) and Substance Abuse and Mental Health Services Administration (SAMRSA). In this instance, the laboratory of record is Clinical Reference Laboratory, 11850 W. 85th St., Lenexa, KS 66214 (Ph. # 913-492-3652). The local specimen collection site for Renwick USD #267 is Family Medical Center, Andale, Kansas; however other sites are available as access is necessary.

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- B. Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT).
- C. Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory, during laboratory analysis, MRO review and reporting to the school district.
- D. All urine specimens collected will be split-samples.
- E. Negative drug testing report results will be reported, to the Consortium, within 24 hours of specimen receipt at the laboratory. Positive drug testing

GARB-R Employee Assistance Program (EAP) (Continued)

results will be reported, to the Consortium, within 48 hours of receipt at the Laboratory (unless there is difficulty reaching the person being tested, by the MRO). All tests will be reported by the Consortium to the Bus Manager of Renwick USD #267. In no instance will the test go unreported longer than 5 days from the time the specimen is received from the laboratory by the Consortium.

- F. Reports of Breath alcohol tests will be reported immediately to the safety sensitive employee (SSE) and the employer.
- VI. Confidentiality will be applied to every aspect of the anti-drug program.
- A. After the MRO contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, Bus Manager of Renwick USD #267 shall serve as the sole point of contact with the Renwick USD #267's Employee Assistance and Drug/Alcohol Testing Program.
 - B. All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Administrator or the representative of a state agency upon request as part of an accident investigation. Statistical data related to testing and rehabilitation that is not name-specific and training records must be made available to the Administrator or the representative of a state agency upon request.

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- C. All records relating to drug and alcohol testing will be kept in a separate, locked file from other employee records.
- VII. Notification of the school district's drug and alcohol testing requirement shall be included in announcements or advertisements seeking applicants for all designated safety sensitive positions.
- VIII. Employees who supervise employees or who have responsibility to administer the school district's drug and alcohol screening policies and procedures shall receive two additional hours of training, by the Consortium Coordinator, on behavior, physical symptoms and performance indicators of probable drug and alcohol use.

GARB-R Employee Assistance Program (EAP) (Continued)

- A. All subordinate-level employees will receive appropriate instruction regarding the Renwick USD #267's Drug and Alcohol Testing Policy and Employee Assistance Program (See Exhibit "C"). This shall amount to two hours of training on mandated requirements; the effects of alcohol and drugs; the process of testing; and the ramifications of a positive test.
- IX. The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur:
 - A. Pre-Employment/Pre-Transfer: An individual offered employment and/or re-assigned to a safety sensitive position shall be required to take and pass a drug screening test as a condition of employment or continued employment. (See Exhibit "D") (An exemption to this policy would be if the applicant/employee is participating in an appropriate DOT drug and alcohol testing program of another organization; has been involved in such a testing program within the previous 30 days; has been tested in the past 6 months or participating in the drug/alcohol testing program for the last 12 months. Written verification of drug and alcohol testing participation should be obtained for school district files.) Exhibit E addresses information which must be provided. (Protocol #9)
 - B. Reasonable Suspicion: An employee in a safety sensitive position may be required to submit to a drug/alcohol screening test by Bus Manager of Renwick USD #267 when reasonable suspicion is presumed. (Refer to Protocol #3)
 - 1. Reasonable suspicion involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence

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found or reported and may be based on, among other circumstances, one of the following:

- a. Direct observation of specific contemporaneous, articulable behaviors exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.
- b. Physical on-the-job observation of drug and/or alcohol use by the employee.

GARB-R Employee Assistance Program (EAP) *(Continued)*

- c. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
 - d. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.
2. Supervisors have the right to ask a current employee in a designated safety sensitive position to submit to a drug/alcohol screening test under the circumstances of reasonable suspicion as a condition of employment in accordance with items VII and VIII of this policy. Refusal may be grounds for termination. In no instance of refusal for testing shall an individual be allowed to perform a safety sensitive function.
3. Any employee requested to provide a drug specimen under the auspices of reasonable suspicion will be transported to the collection site. The employee may use sick/personal leave for the time away from work. If the test result is negative sick/personal leave will be reinstated.
4. Under no circumstances will a SSE be allowed to perform a safety sensitive function if they have consumed alcohol within four hours of reporting for duty.

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5. If an alcohol test is not administered within 2 hours of this determination, a record should be prepared stating the reasons for not administering the test. Attempts to test should cease at 8 hours and the individual should be removed from the safety sensitive function until they test less than .02 or 24 hours has passed. A written record should be made of the observations.

C. Random Testing: (Refer to Protocol #2)

1. At least 50% of the average number of safety sensitive positions will be tested on a random basis annually under the drug testing requirements.

GARB-R Employee Assistance Program (EAP) (Continued)

2. Under the alcohol testing requirements at least 25% of the number of safety sensitive positions shall be tested on an annual basis.
4. Random selection will be made through a computerized program provided by the consortium contractor, The Mental Health Consortium.
 - a. By the 15th of each month Renwick USD #267 will make available to the Mental Health Consortium the names and SSN's of all employees to be covered in the random program for the next month.
 - b. The list of persons to be tested for the next month will be created through the Mental Health Consortium's computerized random number program.
 - c. The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date. The Employee will be notified on the morning of the test to report to the collection site not more than 30 minutes plus travel time, prior to the scheduled test time in the case of a drug collection. In the case of an alcohol test, the individual shall be tested within 15 minutes prior, during or 15 minutes after performing a safety sensitive function.

- D. Return to Duty/Follow Up Testing: An employee who refuses to take or fails a drug or alcohol test may not return to duty until the employee passes a drug or alcohol test administered under this part and the MRO/SAP have

BOARD POLICIES – Section G -- Personnel

determined that the employee may return to duty. An employee who; returns to duty shall be subject to a reasonable program of follow-up drug/alcohol testing without prior notice of up to six unannounced drug/alcohol tests per twelve months for up to 60 months after return to duty. The MRO/SAP will determine the schedule of unannounced testing.

E. Post Accident:

1. The following parameters will require drug testing for each employee performing a safety sensitive function and whose performance either contributes to the accident, or cannot be completely discounted as a contributing factor to the accident as soon as possible and not later than 32 hours after an accident. Following are the times when drug testing must occur:

GARB-R Employee Assistance Program (EAP) *(Continued)*

- a. If the accident involved the loss of a human life.
 - b. If the driver received a citation under State or local law for a moving violation arising from the accident.
2. Following an accident all reasonable steps to obtain a urine sample for an employee should be implemented after treating the injury first.
 - a. In the case of a conscious but hospitalized employee, the coordinator of Drug/Alcohol Testing at Renwick USD #267 should notify the hospital or medical facility of the need for a sample and, if necessary, refer to the DOT drug testing requirements (Title 49 CFR Part 40).
 - b. If an employee is injured or unconscious and unable to consent to the drug test, the medical facility should collect the sample, and retain it until the employee is able to consent. If the employee gives his consent, the sample should be sent to the laboratory for testing. If the employee refuses to be tested, the sample should be discarded and the incident will be treated as a refusal to test. The treating physician should determine if the employee is able to understand a request to provide a sample.
 - c. If an employee is conscious, able to understand a request for a sample, and able to urinate normally (in the opinion of a

BOARD POLICIES – Section G -- Personnel

medical professional) and refuses to be tested, that person must be suspended indefinitely pending further review.

- F. A breath alcohol test should also be administered in these same circumstances. An EBT test can occur up to eight hours after the accident/incident and should be obtained as early as possible preferably within two hours of the accident.
- G. Failure to obtain a breath alcohol test within 2 hours and a drug test within 32 hours will result in the employer preparing and maintaining on file a record stating the reasons for not promptly administering a test. Records will be submitted upon request to the Department of Transportation.

GARB-R Employee Assistance Program (EAP) *(Continued)*

- H. Any employee testing positive under the category of random selection, reasonable suspicion, post-accident or return-to-duty will be immediately removed from performing safety sensitive work and not allowed to return to the safety sensitive position until they have passed a drug and alcohol test and cleared to return to duty by the MRO/SAP.
 - I. No driver required to take a post accident test shall use alcohol for 8 hours following an accident or until a breath alcohol test occurs.
 - J. The SSE who is subject to post accident testing, shall remain readily available for testing. Necessary medical attention may be secured. Failure to remain available can be interpreted as a positive test result.
 - K. Results of a breath test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results are obtained by the employer.
- X. An applicant or employee required to submit to a drug screen will be advised of the following:
- A. Methods of drug/alcohol screening which will be used;
 - B. Substances which may be identified;

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- C. Consequences of a refusal to submit to a drug screening test or of a confirmed positive result; and
 - D. Reasonable efforts to maintain the confidentiality of results and any medical information which may be provided.
- XI. An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the school district or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol screening test as a condition of employment and will be considered the equivalent of receiving a confirmed “positive” result for employment.

GARB-R Employee Assistance Program (EAP) (Continued)

- XII. An applicant or employee shall be informed of the drug/alcohol screening specimen collection location and time. The applicant or employee shall be responsible for reporting to the collection site at the scheduled time, with a photo ID, and comply with the directions of the specimen collector.
- A. An employee in a designated safety sensitive position who is requested to submit to a drug specimen collection shall be given time off with pay for that purpose.
 - C. Failure by an applicant or employee to report to the collection site at the scheduled time will be considered refusal to submit to a drug/alcohol screen as a condition of employment or continued employment, and will be considered the equivalent of receiving a confirmed “positive” result.
 - D. The applicant or employee shall not be utilized in a safety sensitive capacity until cleared by the MRO or SAP.
- XIII. MRO (Reference Protocol #6)
- A. The Medical Review Officer is an agent of the Mental Health Consortium. The qualifications and functions of the MRO are contained in the Mental Health Consortium’s Protocol on MRO Responsibilities and Qualifications, which is available upon request from the consortium.

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- B. All drug test results, whether positive or negative, will be reviewed by the MRO of the Mental Health Consortium, in accordance with 49 CFR Part 40, 33. In this instance, the MRO will be Sanford E. Pomerantz, M.D. of the Consortium. The MRO can be reached at 112 SW 6th St., Suite 400, Topeka, KS 66603. The phone number is 913-232-1196.
- C. In the event of a presumptive positive the MRO will contact the person whose specimen it was to determine what medications and or reason the test was returned positive. The MRO, based on his review of the information will make the final determination of confirmed positive or negative. It is only after the MRO review that Renwick USD #267 will be notified of the outcome of the test.

GARB-R Employee Assistance Program (EAP) (Continued)

- XIV. An employee in a designated safety sensitive position who is removed from the work site pending the results of a drug screening test because the employee is deemed by their immediate supervisor and Bus Manager of Renwick USD #267 to pose a threat to safety or health shall use sick/personal leave for time away from work. If the test result is negative sick/personal leave will be reinstated.
- XV. An applicant who receives a confirmed positive drug screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification from application for school district employment for a period of two years from the effective date of the disqualifying action.
- XVI. A. An employee who receives a confirmed positive drug screen result or the equivalent and who has not previously had a confirmed positive result shall be directed to utilize the Renwick USD #267's Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program; provided, however the employer reserves the right to terminate an employee receiving a first time confirmed positive drug screen result if, in addition:
 - 1. The employee was involved in an accident or incident caused in part or in total by drug/alcohol use and injury to person/persons or property was involved; or

BOARD POLICIES – Section G -- Personnel

2. The employee's personnel file reflects previous disciplinary material which, when combined with positive drug/alcohol testing screen results, in the opinion of the employer justifies termination.
 - B. An employee who receives a confirmed positive alcohol test shall be referred to a Substance Abuse Professional for appropriate assessment, education and treatment. The employer retains the same right to terminate as in XVI A. 1 and 2.
 - C. A second positive test, whether alcohol or drug will result in immediate termination of employment.
- XVII. The employee will be required to provide verification to the Bus Manager of Renwick USD #267 that he/she is participating in an appropriate and authorized education and treatment program, prior to returning to duty in a safety sensitive position. In addition the employee must pass a return to duty drug and/or alcohol test.

GARB-R Employee Assistance Program (EAP) (Continued)

- A. The employee may use any accumulated sick/personal leave for receiving substance abuse education or treatment. When accumulated time is exhausted, time from work will be noncompensable.
- XVIII. Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.
- XIX. If the employee's supervisor determines the employee poses a threat to safety or health at the work site while undergoing treatment, the employee may be relieved of his/her duties until such time as he/she is deemed capable to return to regular duty by the MRO/SAP, and successfully passes a drug and/or alcohol test. The employee may use accumulated sick/personal leave for this time away from work. When accumulated time is exhausted, time from work will be noncompensable.
- XX. Refusal by an employee to fully cooperate with a mandatory referral (Exhibit A) or with any recommended education or treatment program resulting from a mandatory referral or approved drug or alcohol assessment shall be grounds for employee discipline including termination.
- A. After completion of the recommended education or treatment program, the employee is required to provide or release verification to the Bus Manager of Renwick USD #267 that they have successfully completed the recommended education or treatment program.

BOARD POLICIES – Section G -- Personnel

- B. Subsequent drug or alcohol screens will be scheduled by the MRO/SAP in consultation with Renwick USD #267, as necessary, during the authorized education or treatment program and for a period of up to 60 months after the program ends to determine or verify that the employee remains drug/alcohol free. All expenses for testing in the rehabilitation process will be the responsibility of the employee.
 - C. The employee will be tested a minimum of six times in the first year of follow up.
- XXI. Any employee who receives a confirmed positive drug or alcohol screen result shall be subject to dismissal:
- A. if the employee has previously had a confirmed positive result;

GARB-R Employee Assistance Program (EAP) (Continued)

- B. if the employee fails to successfully complete an appropriate and approved drug/alcohol assessment and recommended education and treatment program.
- XXII. An employee will not be subjected to dismissal solely on the basis of a confirmed positive result if the employee has not previously had a confirmed positive result, and the employee successfully completes an appropriate and approved drug/alcohol assessment and recommended education or treatment program.
- XXIII. Any applicant for a school district position who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures or falsifies test results shall have the conditional offer of employment withdrawn. Such actions will be grounds for disqualification for all positions in school district service. Any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures or falsifies a test result shall be subject to dismissal.
- XXIV A. If an employee or applicant challenges the validity or accuracy of the confirmed positive result, they may appeal in writing to the MRO within 72 hours of the employee/applicant having been notified of the positive result.

GARB-R Employee Assistance Program (EAP) (Continued)

BOARD POLICIES – Section G -- Personnel

All positive urine samples will be kept at the laboratory for a period of one year, and at the employee's request may be kept longer. The MRO and Drug Screening Coordinator should be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split sample.

- B. The employee will be responsible for any associated retest costs in advance and will be reimbursed by Renwick USD #267 if the retest is negative.
 - C. Requirements for retention of samples and retesting are specifically spelled out in the Mental Health Consortium's Protocol for Drug Testing.
- XXV. The MRO will have discretion to authorize a retest by the original or a different laboratory on the split specimen, if it is determined that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

GARB-R Employee Assistance Program (EAP) (Continued)

XXVI. Record Keeping

- A. Records relating to drug/alcohol testing will be maintained as confidential, available only on a strict "need to know" basis. Records will not be kept in an employee's personnel file. Information regarding an individual's drug and alcohol testing results or rehabilitation may be released only upon written consent of the individual EXCEPT:
 - 1. Such information must be released regardless of consent to a government agency as part of an accident investigation;
 - 2. Such information may be disclosed regardless of consent in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug/alcohol test.
 - B. Records will be maintained according to mandated requirements. The Mental Health Consortium's Protocol #10 identifies the most current requirements.
- XXVII. Any changes made by Renwick USD #267 to this policy will be conformance with stated regulations.

BOARD POLICIES – Section G -- Personnel

(EXHIBIT A)

RENWICK USD #267

MANDATORY REFERRAL AND RELEASE OF INFORMATION

As an employee of Renwick USD #267, I understand that I have been referred to the Renwick USD #267's Employee Assistance Program (EAP). I understand that I must:

- Contact the EAP counselor (SAP) within 48 hours of time designated below.
- Submit to a drug test.
- Submit to a breath alcohol test.

A signed copy of this waiver will be presented to the drug/alcohol consortium as notification that I am a referral from Renwick USD #267. This form will serve as notice that information may be released to the Bus Manager of Renwick USD #267. Only information regarding my notification of the EAP counselor or SAP, confirmation of a face-to-face assessment, confirmation of admittance, including date and estimated length of stay, to an appropriate treatment program, confirmation of attendance at all scheduled treatment appoints, successful completion of the treatment program or drug and/or alcohol test results may be released to Bus Manager.

I understand that if I do not follow the directions checked above and provide confirmation of attendance and completion, that I may be subject to disciplinary action up to and including discharge of employment with Renwick USD #267.

BOARD POLICIES – Section G -- Personnel

Likewise I understand that if I am required to submit to a drug and/or alcohol test and fail to do so that I may be subject to disciplinary action up to and including discharge of employment with Renwick USD #267.

Name of Employee: _____ Social Security Number: _____

Signature of Employee Date

Referring Supervisor Date

Bus Manager Date Time

BOARD POLICIES – Section G -- Personnel

(EXHIBIT B)

SAFETY SENSITIVE POSITIONS RENWICK USD #267

SAFETY SENSITIVE - The Board of Education of Renwick USD #267 has established the following factors in designating specific positions as safety sensitive. The number of safety sensitive positions may increase further as criteria are established by the Board of Education of Renwick USD #267.

1. Drivers of commercial vehicles:
 - a. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds) or
 - b. Designated to transport 16 or more passengers including the driver.

Additional safety sensitive positions may be identified as further criteria are established or new mandates are implemented. Any employee who occupies added safety sensitive positions would be notified in writing of the change.

BOARD POLICIES – Section G -- Personnel

(EXHIBIT C)

(EMPLOYEE)

RENWICK USD #267

**AFFIRMATION OF
DRUG AND ALCOHOL TESTING POLICY**

As an employee in a safety sensitive position, I affirm that I have received, read and understand the Renwick USD #267's Drug and Alcohol Testing Policy. I am aware that I may be required to undergo a drug and/or alcohol screen based upon reasonable suspicion; that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the school district.

EMPLOYEE NAME (PLEASE PRINT)

EMPLOYEE SIGNATURE

DATE

RENWICK USD #267
REPRESENTATIVE

DATE

BOARD POLICIES – Section G -- Personnel

(EXHIBIT D)

(APPLICANT)

**RENWICK USD #267
AFFIRMATION OF
DRUG AND ALCOHOL TESTING POLICY**

STATEMENT OF POLICY

Renwick USD #267 is committed to ensure a safe and drug and alcohol free workplace for all school district employees and the general public. As a public employer, the school district has a compelling interest in establishing reasonable condition of employment. Prohibiting employee drug/alcohol use is one such condition.

Renwick USD #267 is concerned with the well-being of its employees and the need to maintain employee productivity. The intent of the Renwick USD #267's Drug and Alcohol Testing Program is to offer a helping hand to those who need it, while sending a clear message that any illegal drug or alcohol use is contradictory with public services and **WILL NOT BE TOLERATED!**

It is the policy of Renwick USD #267 that all applicants, for safety sensitive positions, who receive a conditional offer of employment submit to a drug test to document they are drug free. Refusal to comply with this requirement will be considered the equivalent of receiving as confirmed "positive" result for employment and disqualification purposes. Any applicant who receives a confirmed "positive" drug screen result will have the offer of employment withdrawn and will be subject to disqualification from other application for school district employment for a period of two years from the effective date of the disqualification action.

AFFIRMATION OF POLICY

As an applicant for a position, I affirm that I have read and understand the Renwick USD #267's Free Workplace Statement of Policy noted above, and I am aware that any offer of employment is conditional upon my taking a drug test and the results thereof. If hired into a position for Renwick USD #267, I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the school district.

APPLICANT NAME (PLEASE PRINT)

APPLICANT SIGNATURE

DATE

RENWICK USD #267 Representative

DATE

BOARD POLICIES – Section G -- Personnel

(EXHIBIT E)

RENWICK USD #267
RELEASE OF INFORMATION

I hereby authorize _____ to release information related to my participation in the alcohol _____ and/or drug testing _____ program of said organization to _____.

Signature of Applicant

It has been brought to our attention that _____ has participated in the alcohol testing _____ and/or drug testing _____ program. Under the auspices of 49 CFR 382, et. al., Subpart C 382.301 (b) and (c) we are requesting the following information in order to establish our need to require this applicant to take an alcohol and/or drug test prior to employment.

Name and Address(es) of the Program(s)

DRUG TESTING PROGRAM

ALCOHOL TESTING PROGRAM

The driver did/did not participate in the alcohol testing program.

The driver did/did not participate in the drug testing program.

The alcohol program conforms to the testing requirements of 49 CFR Part 40.

_____ Yes _____ No.

The drug testing program conforms to the testing requirements of 49 CFR Part 40.

_____ Yes _____ No.

BOARD POLICIES – Section G -- Personnel

EXHIBIT E *(Continued)*

The driver is qualified under these rules and has not refused to be tested for alcohol or controlled substances. _____ Yes _____ No.

Date the driver was last tested for controlled substances: _____.

Date the driver was last tested for alcohol: _____.

Please attach a copy of the results of any test taken within the previous six months and any violations of the prohibitions related to alcohol and controlled substance usage. (Total number of results attached _____. Total number of violations attached _____.)

Signature of Responsible Party

BOARD POLICIES – Section G -- Personnel

(EXHIBIT F)

RENWICK USD #267
Reasonable Suspicion Report Form

Employee's Name: _____

Department: _____ Social Security Number _____

Date Behavior Observed: _____ (Month/Day/Year)

Time Observed: From _____ am/pm to _____ am/pm

Location where employee was observed: _____

Behavior Observed: (Check all items which apply)

Speech: Normal _____ Incoherent _____ Confused _____ Slurred _____
Whispering _____ Silent _____ Loud _____ Rapid _____ Cursing _____

Balance: Normal _____ Staggering _____ Swaying _____ Falling _____

Eyes: Normal _____ Reddened (bloodshot) _____ Pupils Dilated _____
Pupils Constricted _____

Walking and Turning: Normal _____ Stumbling _____ Arms Raised for Balance _____
Reaching for Support _____ Lack of Coordination _____

Awareness: Normal _____ Confused _____ Sleepy _____ Paranoid _____

Comments of employee (please quote remarks, admissions, etc.) which are pertinent; such as swearing, cursing. _____

Other observed actions or behavior (i.e., odors, vomiting, coughing, gagging, crying, etc.) _____

Supervisor

Date

This report must be prepared every time an employee is suspected of drug or alcohol use by actions, appearance, or conduct while on duty. This form must be completed within 24 hours or before test results are released.

BOARD POLICIES – Section G -- Personnel

GARB-R Employee Assistance Program (EAP) (Continued)

DEFINITIONS

RENWICK USD #267

DRUG AND ALCOHOL TESTING POLICY

ACCIDENT - An incident reportable under 49 CFR Part 382, and 391.

AIR BLANK - A reading by an EBT of ambient air containing no alcohol. (In EBT's using gas chromatography technology, a reading of the device's internal standard.)

ALCOHOL - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

ALCOHOL CONCENTRATION - Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

ALCOHOL USE - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

APPLICANT - An individual offered employment in, or being promoted or transferred to a safety sensitive position.

AUTHORIZED SUBSTANCES - Include only (1) lawful over-the-counter drugs (excluding alcohol) in amounts as specifically directed by the manufacturer.

BREATH ALCOHOL TECHNICIAN (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates at EBT.

COLLECTION SITE AGENCY - A facility designated by the Consortium as the collection site for drug screening samples (urine) and breath alcohol testing. For purposes of this policy, the collection site is not the testing laboratory.

RENWICK USD #267 PROPERTY - All areas in which Renwick USD #267 operates including actual premises, parking lots, owned or leased equipment, lockers, desks, work areas and buildings, storage facilities, etc.

DRUG - Any chemical substance that, when consumed, tends to produce a physical, mental or emotional change.

DRUG SCREENING - Procedure to eliminate negative urine specimens from further considerations.

BOARD POLICIES – Section G -- Personnel

GARB-R Employee Assistance Program (EAP) (Continued)

DEFINITIONS (Continued)

DRUG TESTING - An analytical procedure which identifies the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to insure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

EMPLOYEE ASSISTANCE PROGRAM (EAP) - A program to help employees, and often their families, recognize and overcome personal problems that are interfering with the employee's work performance. This is an extension of the performance appraisal process and is designed to reach performance problems that cannot be remedied by training, education, or other employer-controlled factors. Among the many personal problems and Employee Assistance Program may deal with are alcohol and drug abuse.

EMPLOYEE ASSISTANCE PROGRAM CONTRACTOR - The Mental Health Consortium, Inc. - Topeka, Kansas.

ILLEGAL DRUGS - Urine samples from applicants and employees will be screened in all cases to identify the following classes of substances:

THRESHOLD FOR POSITIVE VERIFICATION

IMMUNOASSAY SCREEN

Marijuana/Metabolite	50 NG/ML
Cocaine Metabolite	300 NG/ML
Opiates	300 NG/ML
Phencyclidine (PCP)	25 NG/ML
Amphetamines/Methamphetamine	1000 NG/ML

When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test gas chromatography/mass Spectrometry (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

BOARD POLICIES – Section G -- Personnel

GARB-R Employee Assistance Program (EAP) (Continued)

DEFINITIONS (Continued)

Marijuana/Metabolite	15 NG/ML
Cocaine Metabolite	150 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML
Amphetamine/Methamphetamine	500 NG/ML

IMPAIRED - Under the influence of an illegal or legal drug whereby the employee's senses (i.e., sight, hearing, balance, reaction, reflex) or judgment are affected.

LEGAL/PRESCRIBED (MEDICATION) DRUGS - Drugs an individual may be taking under the direction of a licensed physician to address a specific physical, emotional or mental condition.

MEDICAL REVIEW OFFICER (MRO) - A licensed physician who reviews and interprets positive results of confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.

(CONFIRMED) NEGATIVE RESULT - No detection of an illegal substance in the pure form of its metabolites at or above the threshold level by a drug screening test.

(CONFIRMED) POSITIVE RESULT - The detection of an illicit substance in the pure form of its metabolites at or above the specified threshold by two consecutive drug screening tests which employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data. All positive results are intensively reviewed by a Medical Review Officer (MRO).

REASONABLE SUSPICION - Involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

1. Direct observation of specific, contemporaneous, articular behavior exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.
2. Physical on-the-job observation of drug and/or alcohol use by the employee.
3. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.

BOARD POLICIES – Section G -- Personnel

GARB-R Employee Assistance Program (EAP) (Continued)

DEFINITIONS (Continued)

4. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.

SAFETY SENSITIVE - The Board of Education of Renwick USD #267 has established the following factors in designating specific positions as safety sensitive. The number of safety sensitive positions may be increased as further criteria are established by the Board of Education of Renwick USD #267.

1. Drivers of commercial vehicles:
 - a. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds) or
 - b. Designed to transport 16 or more passengers including the driver.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

TESTING LABORATORY - A laboratory certified by the Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) to perform drug testing of urine specimens obtained at the collection site.

BOARD POLICIES – Section G -- Personnel

GARI Family and Medical Leave

Eligible district employees shall be provided family and medical leave as provided by a plan approved by the board. The plan for providing leave under this policy shall be filed with the clerk of the board and made available to all staff at the beginning of each school year.

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses who are eligible for FMLA leave and are both employed by the district may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

Leave is available for the following:

1. The birth of a son or daughter of the employee and to care for the newborn child;
2. The placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;
3. To allow the employee to care for the employee's spouse, son, daughter or parent with a serious health condition;
4. A serious health condition of the employee that makes the employee unable to perform the job functions of his or her job;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation;
6. The need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of a service member. Eligible employees are for reason 6 only, entitled to a combined total of 26 workweeks of leave during a 12-month period.

(Leave for reason 1 or 2 must be taken within 12 months of the date of birth.)

BOARD POLICIES – Section G -- Personnel

GARI Family and Medical Leave (Continued)

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used concurrently with the annual family and medical leave. The superintendent will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave if he or she has been employed by the district for at least 12 months and has worked least 1250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

During the period of any unpaid family and medical leave the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the Clerk of the Board on the payroll date or other time as the employee and the superintendent may agree prior to the commencement of the leave. The board may terminate group health coverage if the employee payment is not received within thirty (30) days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least 15 days prior to the termination.

When leave is foreseeable, the employee shall give written notice thirty (30) days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of the following within 5 business days, absent extenuating circumstances:

- a. Whether or not the employee is eligible for FMLA leave; the reasons that will or will not count as family and medical leave,
- b. Any requirements for medical certification,
- c. Employer requirement of substituting paid leave,
- d. Requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- e. Right to be restored to same or equivalent job,
- f. Any employer required fitness-for-duty certifications.

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a

BOARD POLICIES – Section G -- Personnel

GARI Family and Medical Leave (Continued)

semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

Leave for reason 1 or 2 must be taken within 12 months of the date of birth or placement of the child. Family leave for reasons 1 or 2 may not be used intermittently or on a part-time basis without the prior approval of the superintendent.

If the leave is for a reason other than the employee's serious health conditions, or for a qualifying exigency as described in section 5 above, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

GARID Military Leave

Employees are entitled to military leave under the Uniformed Services Employment and Reemployment Act of 1994. The Act applies to military service that began on or after December 12, 1994 or military service that began before December 12, 1994 if the employee was a reservist or National Guard member who provided notice to the employer before leaving work.

Reemployment rights extend to persons who have been absent from work because of "service in the uniformed services." The uniformed services consist of the following military branches:

- Army, Navy, Marine Corps, Air Force or Coast Guard.
- Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve.
- Army National Guard or Air National Guard.
- Commissioned corps of the Public Health Service.
- Any other category of persons designated by the President in time war or emergency.

BOARD POLICIES – Section G -- Personnel

GARID Military Leave (Continued)

“Service” in the uniformed services means duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person’s fitness for any of the above types of duty

The employee may be absent for up to five (5) years for military duty and retain reemployment rights. There are, however, exceptions which can exceed the five (5) years limit. Reemployment protection does not depend on the timing, frequency, duration or nature of an individual’s service. The law enhances protections for disabled veterans including a requirement to provide reasonable accommodations and up to two (2) years to return to work if convalescing from injuries received during service or training.

The returning employee is entitled to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by **LAW**. If necessary, the employer must provide training or retraining that enables the employee to refresh or upgrade their skills so they can qualify for reemployment. While the individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leave of absence. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 18 months at a cost of up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the individual had never left. All pensions which are a reward for length of service are protected.

Individuals must provide advance written or verbal notice to their employers for all military duty. Notice may be provided by the employee or by the branch of the military in which the individual will be serving.

Notice is not required if military necessity prevents the giving of notice; or, the giving or notice is otherwise impossible or unreasonable.

Accrued vacation or annual leave may be used (but is not required) while performing military duty. The individual’s timeframe for returning to work is based upon the time spent on military duty.

BOARD POLICIES – Section G -- Personnel

TIME SPENT ON MILITARY DUTY

RETURN TO WORK OR APPLICATION FOR REEMPLOYMENT

Less than 31 days:

Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.

More than 30 but less than
181 days:

Must submit an application for reemployment with 14 days or release from service.

GARID Military Leave (Continued)

More than 180 days:

Must submit an application for reemployment within 90 days of release from service.

The individual's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. Documentation showing eligibility for reemployment can be required. The employer has the right to request that an individual who is absent for a period of service for 31 days or more provide documentation showing:

the application for reemployment is timely;
the five-year service limitation has not been exceeded; and,
separation from service was under honorable conditions.

If documentation is not readily available or it does not exist, the individual must be reemployed. However, if after reemploying the individual, documentation becomes available that shows one or more reemployment requirements were not met, the employer may terminate the individual, effective immediately. The termination does not operate retroactively.

Question should be directed to Veterans' Employment and Training Service, U.S. Department of Labor.

Kansas law also requires reemployment if an individual is called to active duty by the state.

BOARD POLICIES – Section G -- Personnel

GAT Staff Use of Communication Devices

The board encouraged district employees to use technology, including communication devices, to improve efficiency and safety. The district expects all employees to use communication devices in a responsible manner that does not interfere with the employee's job duties. Employees who violate district policies and procedures governing the use of communication devices may be disciplined, up to and including termination, and may be prohibited from possessing or using communication devices while at work. Communication devices may not be used in any manner that would violate the district's policy on student-staff relations.

Definitions

"Communication device" is defined to include all portable devices that send or receive calls or text messages, allow the retrieval of email, or provide access to the Internet. Communication devices shall include, but may not be limited to cell phones, smart phones, iPads and tablets.

"Use/Using" for the purposes of this policy mean answering or talking on the phone; sending or responding to a text, email or other communication; opening and viewing pictures or digital recordings; opening and listening to music or audio communications; accessing social media websites; playing games on such device; continuously checking a communication device; or any activity with a communication device that interferes with the employee's job duties or appropriate supervision or students.

General Use

The district prohibits employee from using any communication device that interrupts or disrupts the performance of duties by the employee or otherwise interferes with district operations, as determined by the employee's supervisor. This prohibition applies regardless of whether the communication device used is owned by the employee or provided by the district. Employees are responsible for keeping communication devices secure and, if possible, password protected.

Supervision of students and the provision of academic instruction are priorities in the district, and employees who are responsible for supervising and/or providing academic instruction to students must concentrate on these tasks at all times. Employees shall not use communication devices when they are responsible for supervising students or when their doing so interrupts or interferes with classroom instruction unless any of the following conditions occurs:

BOARD POLICIES – Section G -- Personnel

GAT Staff Use of Communication Devices (Continued)

- The device is being used to instruct the students being supervised at the time;
- The use is necessary to the performance of an employment-related duty;
- The employee has received specific and direct permission from a supervisor to do so; or
- There is an emergency.

Even when these conditions exist, the employee is responsible for obtaining assistance in adequately supervising students during the approved use so that students are supervised at all times.

Use in Vehicles

Regardless of other provision of this policy, unless there is an emergency, employees shall not use communication devices when:

- Driving district-provided vehicles;
- Operating a vehicle in which a student is being transported when the transportation is provided as part of the employee's job; or
- Supervising students who are entering or exiting a vehicle, crossing thoroughfares, or are otherwise attempting to safely reach their destinations.

Even in emergency situations, employees should first take all possible safety precautions before using communication devices. Employees are subject to local, state, and federal laws governing use of cell phones while driving and will be solely responsible for all traffic violation liabilities resulting from their use of a phone while driving.

Use of District-Provided Communication Devices

The district may provide communication devices and service to some employees to assist them in carrying out their employment-related duties on and off district property. Use of a district-provided communication device is a privilege. The superintendent or designee has sole discretion as to which employees will be provided communication devices and may recall any previously issued communication device. Employees do not have any expectation of privacy in district-provided communication devices or any information stored on them, and such devices may be confiscated and searched at any time.

BOARD POLICIES – Section G -- Personnel

GAT Staff Use of Communication Devices (Continued)

Employees are expected to exercise reasonable care to protect district-provided communication devices from damage or theft and must report any such incidents immediately. The district may require employees to reimburse the district for any damage or theft that was the result of the employee's negligence. Users of district-provided communication devices must abide by any use limitations included in the district's service contract.

Personal Use of District-Provided Communication Devices

Personal use of district-provided communication devices is permissible as long as the use does not exceed the limits of the applicable plan. An employee whose use exceeds plan limitations will be required to reimburse the district for all expenses beyond those covered by the plan and may have privileges suspended or revoked unless the employee can show that all use was for employment-related duties and the device was not used for personal reasons. The amount of personal use of a communication device or service paid for under E-Rate can be no greater than the cost allocation submitted in the request for the E-Rate discount.

Staff Bring Your Own Device Policy

Use of employees' personal communication devices during work hours shall be restricted to classroom or work-related activities. Such personal communication devices may only be used by the staff member and are not for student use. The security of personal computing devices is solely the responsibility of the staff member.

Any loss resulting from damage or theft of personal communication devices in the school setting is not the responsibility of the district.

GBK Suspension – Licensed Staff

The superintendent shall have the authority to suspend licensed employees with pay pending further board action.

The superintendent may suspend licensed employees with pay for any reason, including, but not limited to, one or more of the following: alleged violation of board policy, rule or regulation; refusal or failure to follow a reasonable directive of an administrator; the filing of a complaint against the employee with any civil or criminal authority; the alleged commission of an offense involving moral turpitude; or other good cause.

If a suspension without pay is imposed on an employee, the employee is entitled to pay until the employee has been advised of the basis for suspension and has been given an opportunity to respond.

BOARD POLICIES – Section G -- Personnel

GBN Nonrenewal and Termination

Nonrenewal or termination shall be in accordance with Kansas law and the negotiated agreement, as applicable.

GBO Resignation

The board shall consider any certified employee's resignation which is submitted to the board in writing. The board may accept resignations from employees under contract when the resignation will be in the best interests of the district.

A certified employee who has resigned a contract and accepted a teaching position in the district for the coming year or who has not resigned by the continuing contract notice deadline shall not be released from that contract to accept another position until a suitable replacement has been employed.

If the certified employee terminated employment in the district without complying with board policy, the board may petition the State Board of Education to have the teacher's certificate or license suspended.

Exit Interviews

Exit interviews may be conducted after an employee resigns.

GBQA Reduction of Teaching Staff

If the board decides that the size of the teaching staff must be reduced, guidelines in the following rule or the negotiated agreement, if applicable, shall be followed. Insofar as possible reduction of staff shall be accompanied by attrition due to resignations and retirement.

The following steps will be utilized by the district's administrative staff to reduce the teaching staff:

The number of teaching positions to be reduced shall be in accordance with the educational goals established by the board. The number of teachers needed to implement the district's educational program will then be determined by the administrative staff based on those educational goals in determining which teachers will be nonrenewed due to reduction in force.

The educational goals and needs of the district, individual certifications, qualifications, training, skills, evaluations, and interests shall be considered.

If all of the teachers in the area identified for reduction have similar certifications, qualifications, training, skills, evaluations and interests, the teacher(s) who best meets

BOARD POLICIES – Section G -- Personnel

GBQA Reduction of Teaching Staff (Continued)

the needs of the district, considering the factors outlined above and any other relevant factors, will be retained.

Any certified employee who has not been reemployed as a result of reduction of the teaching staff shall be considered for reemployment if a vacancy exists for which the teacher would qualify. Certified employees who may be eligible for reemployment are required to notify the district of their current address. The superintendent will recommend to the board reinstatement of any teacher he/she deems qualified and able to serve the best interest of the district. The board shall not be required to consider reinstatement of any teacher after a period of one year from the date of nonrenewal.

GBRC Professional Development (See GBRH and GAN)

There shall be a program of professional development for employees, which meets minimum statutory and State Board of Education requirements.

The program shall promote:

- Continuous professional development;
- Improving academic achievement for all students;
- Diversification in academic foundations or subject knowledge; and
- Improve job effectiveness and enhanced skills.

When appropriate, the superintendent shall consult with the staff about professional development activities.

All appropriate employees shall attend professional development sessions unless excused by the superintendent. Professional development programs may use all or a portion of the workday.

GBRE Additional Duty

The board may establish other educational assignments that may extend beyond the school day or time class is in session. Compensation for such assignments, if any, will be as specified in the negotiated agreement.

GBRF Student and Parent Conferences

Teachers shall be available for student and/or parent conferences at mutually convenient times. The principal may schedule individual or building-wide parent-teacher conferences as necessary.

BOARD POLICIES – Section G -- Personnel

GBU Ethics

An educator in the performance of assigned duties shall:

- meet and continuously maintain applicable certification or licensure requirements as defined by state and/or federal law for position held;
- actively support and pursue the district's educational mission (see IA);
- recognize the basic dignity of all individuals;
- maintain professional integrity (GAG);
- avoid accepting anything of substantial value offered by another which is known to be or which may appear to influence judgment or the performance of duties (GAJ);
- accurately represent professional qualifications (GBC); and
- be responsible to present any subject matter in a fair and accurate manner (IAA and IKB).

GCIA Evaluation of Coaches and Sponsors

All employees contracted to coach or sponsor an activity shall be evaluated at least once a year. Evaluation documents will be on file with the Clerk of the Board.

Coaches and sponsors shall be evaluated by the supervisor to whom they are assigned. Evaluations shall be based on the employee's personal qualities, their commitment to duty, their work skills, and other appropriate issues related to the activity sponsor/coach job description. A copy of the completed evaluation shall be given to the employee after it is signed by the employee and the evaluator and will be placed in the employee's personnel file.

GCK Suspension – Classified Staff

The superintendent shall have the authority to suspend classified employees with or without pay. If a suspension without pay is imposed on a classified employee, the employee is entitled to pay until the employee has been advised of the basis for suspension and has been given an opportunity to respond.

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