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# **POLICY MANUAL**

**Educational Service District 105**

Revised 12/19/2023

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## **1000 EDUCATIONAL SERVICE DISTRICT BOARD**

### **1100 Responsibilities and Duties**

#### 1110

The Educational Service District Board reserves to itself the function of making policy and of providing guides for discretionary action to those staff to whom it delegates authority. In the development of policy, the Board solicits recommendations from the Superintendents' Advisory Committee. The Board reserves to itself the final decision to form, content and extent.

#### 1120

The Board determines the nature and scope of services and programs to be provided to local education agencies (LEAs). In exercising this prerogative, the Board considers in its decisions the advice and recommendations of the Superintendents' Advisory Committee.

#### 1130

The Board adopts an annual budget as required by RCW 28A.310.330 through RCW 28A.310.460 after giving consideration to the services and program recommendations of the Superintendents' Advisory Committee.

#### 1140

The Board appoints and sets the salary of the Educational Service District Superintendent who is employed by a written contract for a term to be fixed by the Board, but not to exceed three years. To be eligible for appointment as Superintendent, the candidate must meet the qualifications and selection criteria established in RCW 28A.310.170. The Board may, at its discretion, set qualification standards which exceed statutory requirements. The Board shall follow the procedure prescribed in RCW 28A.310.170 in appointing a new superintendent.

## **1200 Election of Members**

1210

The election of board members is carried out pursuant to RCW 28A.310.080 through RCW 28A.310.110.

1221

Vacancies on the Board are filled pursuant to RCW 28A.310.060.

Absence of any Board member from four (4) consecutive regular meetings of the Board, unless excused on account of illness or otherwise authorized by resolution of the Board, shall be sufficient cause for the members of the Board to declare by resolution that such Board member position is vacated.

Regardless of cause, in case of a Board vacancy, the remaining Board members shall fill such vacancy by appointment. The Board will receive applications (see Form 1115 F1) from any qualified persons seeking to fill the position after suitable public notice. The Board will appoint one of the candidates to serve until the next regularly scheduled election.

The appointment shall be approved, by roll call vote, by not less than five (5) members of the Board. If there exists fewer than five (5) Board members, the State Board of Education shall fill by appointment sufficient vacancies so that there shall be a quorum of the Board serving. Each appointed Board member shall serve until his or her successor has been elected at the next election called by the secretary to the State Board of Education.

## **1300 Reorganization**

1310

At the first meeting after the second Monday in January and after the qualification for office of newly elected members, the Board reorganizes by electing a chairperson and vice chairperson pursuant to RCW 28A.310.150.

## **1400 Officers of the Board and Secretary**

1410 Chairperson

1411 Acts as the presiding officer at all meetings.

1412 Exercises powers as properly pertain to the officer or such powers as may be delegated by the Board.

1413 Calls special meetings.

1414 Signs official minutes after approval by the Board.

1420 Vice Chairperson

Assumes responsibilities of Board Chairperson in the absence of the Chairperson.

1430 Chairperson Pro Tem.

In the absence of both the Chairperson and Vice Chairperson, another board member, elected by a majority of those board members present, serves as Chairperson Pro Tem. The Chairperson Pro Tem assumes the responsibilities of the Board Chairperson.

1440 Secretary

The Educational Service District Superintendent serves as Secretary to the Board. The Secretary has the following responsibilities:

1441 Sends written notices of both regular and special meetings.

1442 Records and keeps all Board proceedings.

1443 Signs official minutes after approval.

1444 Designates an Educational Service District staff member to serve as recording secretary.

## **1500 Meetings**

1510

The Board meets once each month on a regular basis. The time and place is established by the Board. A quorum for the transaction of business by the Board shall be a majority of all Board members. Decisions on any questions at a meeting of the Board shall be by majority vote.

1520

A quorum of the Board or the Board Chairperson may call special meetings.

1530

The preparation and distribution of agendas for Board meetings are the responsibility of the Superintendent. An individual may submit agenda items in writing to the Superintendent at least seventy-two (72) hours prior to a regular meeting. The item may then be placed on the agenda.

## **1600 Business Expenses**

1610

Board members are reimbursed for actual and necessary expenses incurred in the conduct of official Educational Service District business or while engaged in the performance of their duties. Estimated travel advances may be granted for travel outside of the Educational Service District in accordance with established agency procedures.



## **1700 Adoption of Policies**

Policies are adopted by the Board. Policies are presented at one meeting and may only be voted on at a subsequent meeting. When, in the opinion of the Board, an emergency exists necessitating immediate action, the second reading may be waived. New policies take effect upon the date of their adoption or as otherwise specified.

Approved by ESD 105 Board  
March 17, 2009

## **2000 ADMINISTRATION**

### **2100 Superintendent**

2110

The Superintendent serves as the Chief Executive Officer of the Educational Service District and as Secretary to the Board. The Superintendent organizes, reorganizes and arranges the administrative and supervisory staff in any manner which, in the Superintendent's judgment, best serves the interests of the Educational Service District. All operational functions of the Educational Service District are under the auspices of the Superintendent and are administered with the assistance of the Educational Service District staff consistent with Board policy.

2120

The Superintendent has the authority to take any personnel action with regard to any employee of the Educational Service District which, in the Superintendent's judgment, best serves the interest of the Educational Service District.

2130

The Superintendent hires new employees in accordance with RCW 28A.310.230.

2140

The Superintendent is authorized to direct expenditures and purchases within the limits of the annual budget for the year.

Approved by Board: 11/17/09

## **3000 RECRUITMENT AND SELECTION FOR EMPLOYMENT**

### **3100 Recruitment**

#### **3110**

The agency's recruitment is tailored to the number and type of positions to be filled and to the labor market conditions. Recruitment, selection and advancement of employees is considered on the basis of relative ability, knowledge and skills. Recruitment efforts are planned and carried out in a manner that assures open competition. Emphasis will be given to recruitment efforts to attract minorities, women, the disabled and other groups that may be substantially under-represented in the work force and is based on the agency's Equal Employment Opportunity policy. The application form for employment is written to reflect applicants' experience and training and is reviewed in terms of the minimum job qualifications outlined in the respective job description.

#### **3120 Hiring of Retired School Employees**

The Educational Service District shall recruit, select and employ the best-qualified individuals as employees. The Educational Service District may employ persons retired from the Teachers' Retirement System (TRS), the School Employees' Retirement System (SERS) or the Public Employees' Retirement System (PERS). A retired employee shall only be rehired pursuant to this Educational Service District policy.

All retirees of TRS, SERS or PERS may work an annual threshold of eight hundred sixty-seven (867) hours per year while receiving retirement benefits. The annual threshold for TRS Plan 1 retirees is calculated per fiscal year. All other plans are calculated per calendar year. Qualified hours are determined by whether the retiree works in an eligible position as defined by the Department of Retirement Systems (DRS).

All TRS 1 and PERS 1 Retirees (hired after July 22, 2007): Beyond the eight hundred sixty-seven hours (867) per work year, eligible retirees hired from Plan I of TRS or PERS may work up to a total of one thousand five hundred hours (1,500) per year while receiving retirement benefits, subject to limitations established by DRS.

**Educational Service District Responsibilities:** The Educational Service District shall abide by the following process when considering a retiree for employment:

The board of directors shall approve a process for recruitment and selection of employees, including those vacancies for which a retiree applicant may be considered. Applicant(s) shall be evaluated and considered equally, selecting the candidate who best meets the needs of the Educational Service District. There shall be no prearranged employment agreement or commitment to rehire an employee after retirement. Mere inquiries about post-retirement employment do not constitute an agreement. Employment shall be limited to a maximum of a one-year, non-continuing contract or appointment. The Educational Service District shall make contributions to the appropriate retirement system when any retiree works more than eight hundred sixty-seven (867) hours per year.

The Educational Service District shall maintain records of the process followed in seeking qualified candidates that resulted in the hiring of the retiree.

The board of directors shall approve the hiring and document a justifiable need for choosing the retiree.

Vacancies filled by retirees shall be annually reviewed by the board to determine whether the retiree will be rehired for another year of employment.

The Educational Service District shall provide the retiree with the same terms and conditions of employment as other appointees or employees in comparable positions with the exception of sick-leave cash-out.

The Educational Service District shall report the number of hours worked by the retiree to DRS.

**Retired Employee Responsibilities:** The following conditions of employment shall apply to retirees that are re-employed:

Retired applicants shall disclose to the Educational Service District whether they are retired from a Washington state retirement plan.

Employees must satisfy the DRS requirement for separation and retirement from service prior to accepting a retire/rehire position with the Educational Service District.

Retirees are responsible for tracking service hours during post-retirement employment among multiple employers.

## **3200 Selection**

### 3210

Selection procedures are job-related and focus on the hiring of the best qualified candidates.

When it is determined by the Superintendent that it is in the best interest of the agency to fill an opening with an existing or prospective employee, the agency reserves the right to do so. For positions other than that of the superintendent, a standard procedure for selection is followed including procedures for screening, interviewing and selection of the employee. A committee of Educational Service District or school district staff, knowledgeable about the necessary position requirements, may be involved in the selection process. Final decisions relating to employment selection rest with the Superintendent in accordance with Policy #2120. The position of Superintendent is filled in accordance with paragraph 1140, Responsibilities and Duties, and is not subject to the foregoing procedures.

A new position may be required for one of three reasons:

1. A vacancy was created by an employee leaving the agency.
2. Growth in a division, department or program that requires an additional position or change to a current position.
3. A new funding source is presented that requires a new position.

Options to fill the new position:

1. Appointment - If the Superintendent, or designee, believes it to be in the best interest to appoint an existing or prospective employee to the position, then the agency reserves the right to do so.
2. Reclassify/Promote - If the Superintendent, or designee, believes it to be in the best interest of the agency to reclassify/promote a person from within the agency, then the agency reserves the right to do so and will follow the process established in the Classification/Reclassification procedures.
3. Hiring - If an existing employee is not appointed or promoted into a new position, then the position will be posted both inside and outside of the agency. Established hiring procedures will be followed.

3220

No person can be employed in a position over which a member of his/her immediate family exercises supervisory authority.

Board Approved: 11.28.2023

## **3300 Salary Administration**

### **3300 Salary Administration**

3310

The positions of Superintendent, Deputy Superintendent, Assistant Superintendent, and Chief Financial Officer, as well as their salaries, are determined by the Educational Service District Board of Directors. All other positions are placed on the Board approved agency salary schedule or a salary schedule approved specifically for the program.

At their discretion, the Superintendent may reclassify a position to any level on the approved salary scale.

3320

Newly employed staff will be placed Step 0 as identified on the salary schedule. Staff hired after March 1st are not awarded a service credit year for purposes of step increases in the following fiscal year.

Step advancement is based on years of service with the agency and implemented at the start of the following fiscal year for all staff.

Note: All staff will receive a minimum of 2% increase in 2022-2023. This may result in step placement above current service credit years. Further Step advancement will require meeting service year criteria as defined on the salary schedule.

3321

Staff who were previously employed by Educational Service District 105 and return to work will be placed at Step 0. The Superintendent may request approval from the Board of Directors to recognize prior service years credit for staff returning to the same or similar position previously held.

If a current employee is transferred to a position placed at a higher level on the salary schedule, they shall be placed at the appropriate Step based on current service credit years.

3322

Exempt staff hired after July 1, 2023 will be placed on the Information Service Center Collaborative salary schedule at the appropriate step approved by the superintendent. After the initial placement, further step advancement is based on additional service year credits. Staff hired after March 1st are not awarded a service credit year for purposes of step increases in the following fiscal year.

3331

Employees working on a calendar day basis and have been hired for a specific number of days shall be placed on the appropriate step of the salary schedule and a daily rate shall be determined by dividing the salary schedule step by 222 days.

Positions placed on the certificated salary schedule will be awarded years of experience based on certificated years of experience as defined in WAC 392-121-264.

Revised: 08.22.2023

Board Approved: 08.23.2022

### **3360 Stipend–National Board for Professional Teaching Standards Certification**

ESD 105 recognizes the knowledge and work individuals put forth in order to receive certification from the National Board for professional teaching standards.

Due to the fact that classified exempt staff at ESD 105 are not eligible for the bonus allocated by the state, ESD 105 will provide a stipend equal to the bonus granted under RCW 28A.405.415 (1). This stipend will be granted to classified exempt staff eligible for it as long as the State of Washington legislature continues to approve it as a bonus for certificated instructional staff under RCW 28A.405.415 (1).

Classified exempt employees employed in positions as full-time coordinators with ESD 105 who hold a valid certificate from the National Board for professional teaching standards shall receive an annual stipend in addition to their regular salary. The National Board stipend will be divided into twelve (12) equal amounts to be paid on the last working day of each month within a fiscal year, September through August as part of their monthly warrant.

The stipend will be prorated for classified exempt employees in positions as coordinators at ESD 105 who work less than full-time based on their full-time equivalent (FTE) of employment with ESD 105.

For the stipend to be received during the fiscal year, current classified exempt employees of ESD 105 must provide proof of a current valid National Board certificate, and have it on file in the ESD 105 Human Resources Department no later than September 1<sup>st</sup>.

New classified exempt employees hired in positions as coordinators after September 1<sup>st</sup>, will have 30 days to provide proof of a valid certificate received from the National Board for professional teaching standards to the ESD 105 Human Resources Department in order to receive the stipend.

Classified exempt employees who have received the bonus for National Board for Professional Teaching Standards Certification from another employer prior to employment with ESD 105 within the same fiscal year, September through August, will not receive the stipend at ESD 105 in that fiscal year.

RCW 28A.405.415 (1), (4)  
WAC 392-140-970  
WAC 392-140-973 (1), (2a)

## **3400 NONDISCRIMINATION**

ESD 105 shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. Domestic partners registered with the state of Washington will be offered the same rights/benefits as spouses to the extent that treatment is not in conflict with state or federal law. The Superintendent shall designate a staff member to serve as the compliance officer.

### **Employment of Persons with Disabilities**

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions shall prevail:

- 1) No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination, and the ESD 105 shall not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.
- 2) ESD 105 shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the ESD 105 program. The Superintendent or designee shall appoint an Accommodation Committee to consider employee requests for such accommodations pursuant to Forms 3400-F1 and 3400-F2. Such reasonable accommodations may include:
  - A) making facilities used by staff readily accessible and usable by persons with disabilities; and,
  - B) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

In determining whether or not accommodation would impose an undue hardship on the ESD 105, factors to be considered include the nature and cost of the accommodation.

- 3) ESD 105 shall not make use of any employment test or criteria that screens out persons with disabilities unless.
  - A) the test or criteria is clearly and specifically job-related; and
  - B) alternative tests or criteria that do not screen out persons with disabilities are not available.

- 4) While ESD 105 may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.
- 5) Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

### **Nondiscrimination for Military Service**

ESD 105 will not discriminate against any person who is a member of, applies to be a member or, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes in initial employment, retention in employment, promotion, or any benefit of employment. The ESD 105 will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

ESD 105 Board Approved: 1/15/13

#### Reference:

RCW 28A.310.010  
RCW 28A.640.020  
RCW 28A.642  
RCW 49.60  
RCW 49.60.030  
RCW 49.60.180  
RCW 49.60.400  
RCW 73.16  
WAC 162-22-025  
WAC 392-190  
WAC 392-200  
WAC 392-190-0592  
42 USC 2000e1-2000e10  
20 USC § 1681-1688  
42 USC §§ 12101-12213  
38 USC §§ 4301-4333  
8 USC 1324  
29 USC 794  
34 CFR § 104



## **3400-P Nondiscriminaton Grievance**

To ensure fairness and consistency, the following grievance procedure is to be used with regard to employment problems covered by state and federal equal employment opportunity (nondiscrimination) laws. No staff member's status with ESD 105 shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure,

"Grievance" shall mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian, an applicant) relating to alleged violations of any anti- discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. §§ 12101-12213 Americans With Disabilities Act (ADA) or Title VII of the Civil Rights Act of 1964.

A complaint shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint; hence, the following steps shall be taken:

### **Informal Review Procedures**

When a staff member has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor, personnel director or Superintendent within sixty (60) days of the circumstances which gave rise to the problem. The staff member may also ask the Title IX officer to participate in the informal review procedure. It is intended that the informal discussion shall resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the Title IX officer before pursuing informal or formal procedures. If the discussion with the immediate supervisor or Title IX officer does not resolve the issue the staff member may proceed to the formal review procedures.

### **Formal Review**

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Title IX officer shall investigate the allegations set forth within thirty (30) calendar days of the filing of the charge. The officer shall provide the Superintendent with a full written report of the complaint and the results of the investigation. The Superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint. The Superintendent shall state that ESD 105 either:

- 1) denies the allegations contained in the written complaint received by ESD 105, or
- 2) shall implement reasonable measures to eliminate any such act, conditions, or circumstance.

Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent's mailing of a written response to the complaining party.

### **Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to ESD 105 and the disposition, including any corrective measures instituted by ESD 105, shall be retained in the office of the ESD 105 compliance officer for a period of five (5) years.

ALT Approved: 1/15/13

**Employee Disability Accommodation Form**

**Part I: To Be Completed By The Employee**

Individual Requesting/Needing Reasonable Accommodation: (Type or Print)

Name:	
Department:	
Classification Rank/Title:	
Supervisor's Name:	
Phone:	Date:

**Part II: Essential functions of the Position (To Be Completed By The Supervisor)**

List the essential function(s) identified on the position description.

Essential Functions:	No Accommodation Needed	Accommodation Needed

What evidence or documentation exists to support the need for an accommodation based on disability? \_\_\_\_\_

Duration of accommodation: \_\_\_\_\_ to \_\_\_\_\_.

Date: _____	Date: _____
_____ Physician	_____ Occupational Therapist
_____ Counselor/Psychologist	_____ Vocational Rehab. Counselor
_____ Physical Therapist	_____ Other (Specify)

**Employee Disability Accommodation Form**

**Part III: Requested Accommodation(s) (To Be Completed By The Supervisor)**

The following accommodations/modifications are being implemented.

Essential Functions	Accommodations	Date	Review Date
Approximate cost analysis:			

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer signature

\_\_\_\_\_  
Date

**Review Timeline:**  Monthly  Bi-monthly  Semi-annually  Annually \_\_\_\_\_  
Next review date

Employee Disabilities Accommodation Team in attendance:	Signatures:

**Confidentiality Clause:**

ESD 105 Accommodation Team (AT) members undertake and agree to:

- (a) only use, copy or otherwise replicate the *Employee Disability Accommodation Form/Plan* and any related confidential health information for the purposes set forth under said plan and not to use the same for any other purpose whatsoever;
- (b) ensure that only the employees' supervisor or those ESD 105 AT members who are directly concerned with the execution of this accommodation plan have access to the confidential information on a strictly applied "need to know" basis and are informed of the confidential nature of it;
- (c) keep the accommodation form/plan or any other related employee health information confidential. This confidential information shall not directly or indirectly be disclosed, published, transferred, disseminated, copied or permitted to be disclosed to any third party for any reason without the prior written consent of the employee.

Approved: 1/15/13

c: Employee  
Supervisor  
Personnel

Authorization for Disclosure of Health Care Information

Patient Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

I. My Authorization

You, \_\_\_\_\_ (physician's name) may use or disclose the following health care information (initial all that apply):

- \_\_\_ All health care information in my medical record
\_\_\_ Health care information in my medical record relating to the following treatment or condition: \_\_\_\_\_
\_\_\_ Health care information in my medical record for the date(s): \_\_\_\_\_
\_\_\_ Other (e.g., X rays, bills) specify date(s): \_\_\_\_\_

You may disclose this health care information to:

Educational Service District 105
Attention: \_\_\_\_\_
33 South Second Avenue, Yakima, WA 98902

Reason(s) for this authorization (check all that apply):

- at my request
other (specify): \_\_\_\_\_
This authorization ends: (as disclosure is to an employer of the patient for purposes other than payment, this authorization expires 90 days after signed, unless otherwise indicated below.)
on (date): \_\_\_\_\_
when the following event occurs: \_\_\_\_\_

II. My Rights

- 1. I understand I do not have to sign this authorization in order to obtain health care benefits(treatment, payment or enrollment).
2. I may revoke this authorization in writing. If I did, it would not affect any actions already taken by \_\_\_\_\_ (physician's name) based upon this authorization. Two ways to revoke this authorization are:
a. Fill out a revocation form as provided by the physician, or
b. Write a letter to the physician.
3. Once health care information is disclosed, the person or organization that receives information will protect confidentiality of disclosed records, per the Health Insurance Portability and
4. Accountability Act (HIPAA) and confidentiality clause stated below.

\_\_\_\_\_  
Patient/employee or legally authorized individual signature

\_\_\_\_\_  
Date Time

**Confidentiality Clause:**

ESD 105 Accommodation Team (AT) members undertake and agree to:

- (a) only use, copy or otherwise replicate the *Employee Disability Accommodation Form/Plan* and any related confidential health information for the purposes set forth under said plan and not to use the same for any other purpose whatsoever;
- (b) ensure that only the employees' supervisor or those ESD 105 AT members who are directly concerned with the execution of this accommodation plan have access to the confidential information on a strictly applied "need to know" basis and are informed of the confidential nature of it;
- (c) keep the accommodation form/plan or any other related employee health information confidential. This confidential information shall not directly or indirectly be disclosed, published, transferred, disseminated, copied or permitted to be disclosed to any third party for any reason without the prior written consent of the employee.

Approved: 1/15/13

c: Employee  
Supervisor  
Personnel

## **3500 JOB SHARING**

A job-sharing assignment is the shared performance of the duties of one full-time, regular position by employees.

The superintendent is responsible for recommending to the board when the best interests of the Educational Service would be served by creating a job-sharing assignment for a particular position.

Approved by Board: 2/19/08

## **4000 CONDITIONS OF EMPLOYMENT**

### **4100 Job Classifications**

4110

The Educational Service District classifies all positions as non-exempt or exempt in accordance with provisions of the Fair Labor Standards Act (FLSA). Non-exempt is defined as a position subject to the minimum wage and overtime pay requirements of the FLSA. Exempt is defined as an executive, administrative or professional position not subject to the minimum wage and overtime pay requirements of that act.

4120

Exempt staff members who are employed for a specified number of days per year are classified as exempt/daily.

4130

All employees are hired either as temporary, interim, or regular employees.

4131

Temporary employees are hired on a short term basis as needed to complete short term assignments with a definite ending date or to fill in for existing employees who are on leave for various reasons. The decision to hire temporary employees is made by the Human Resources Director in collaboration with the appropriate Cabinet member and the Superintendent. These employees are paid according to the Educational Service District salary schedule and are not eligible for health benefits.

4132

Interim employees are hired to conduct specific work. These employees are paid at the interim rate set annually by Administration and are not eligible for health benefits.

4133

Regular employees are any employee not hired on a temporary or interim basis. These employees are paid according to the Educational Service District salary schedule and are eligible for benefits.

4150

Calendar Day Basis Employees are those employees hired to fill positions for a specific number of days. These employees are hired on either an hourly, daily or annual basis.

### **4200 Position Description**

4210

Position descriptions have been established in a standard format to reflect those responsibilities and minimum qualifications required for each position. Reviews and revisions are made as necessary during the year to assure that position descriptions remain current.



## **4300 Professional Development**

4310

A comprehensive orientation program exists within the agency for new employees and focuses on the organization of the agency, its policies and procedures and individual staff and safety responsibilities. Inservice training is provided by the agency and is designed to provide staff with enhanced skills and job related training. To prepare employees for career development, the opportunity for additional training is encouraged and supported by the Educational Service District.

## **4400 Performance Evaluation**

4410

A formal procedure exists within the agency for the evaluation of performance, on at least an annual basis, for all employees. The purpose of the annual evaluation is to assist employees to more effectively fulfill the responsibilities of their respective positions.

## **4500 Conflicts of Interest**

Any activity which presents, or may potentially present, a conflict of interest regarding ESD 105 is strictly prohibited. Violation of this policy may result in disciplinary action up to and including termination.

Employees are prohibited during their employment from receiving assistance, gifts, and/or remuneration of any kind from any member district within the boundaries of ESD 105 with which they have been, or may be, officially involved. Any exceptions such as providing services outside of working hours for compensation within member districts in ESD 105 must have prior approval of the Superintendent. The Superintendent is granted the authority to determine whether outside employment is consistent or inconsistent with the requirements of this policy and will establish prerequisite procedures.

Employees and Board members are further prohibited from receiving assistance, gifts, and/or remuneration from any person, group, or entity doing or desiring to do business with the ESD 105. All business-related gratuities are specifically prohibited except nominal-value items.

The following provisions reflect the basic guiding principle of this policy:

- a. An ESD employee may not have a financial or other interest, or engage in any business or professional activity, that is in conflict with his or her ESD duties.
- b. An ESD employee may not use his or her position to secure special privileges for himself or herself or any other person.
- c. An ESD employee may not receive compensation or accept gratuities, gifts, or favors, from a source, except the ESD, for performing or deferring the performance of any ESD duty. However, an employee may accept:
  1. Unsolicited flowers, plants, and floral arrangements.
  2. Unsolicited advertising or promotional items of nominal value such as pens and note pads.
  3. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, or similar item.

4. Unsolicited items received for the purpose of evaluation or review.
5. Informational material, publications or subscriptions related to performance of his or her duties.
6. Food and beverages consumed at hosted receptions where attendance is related to his or her official duties.
7. Door prizes and prizes won in random drawings during meetings, seminars and similar events.
8. Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.
9. Gifts in the form of food and beverages, on infrequent occasions, in the ordinary course of meals, where attendance by the employee is work related.
10. An honorarium (money or anything of value that is not solicited by the employee that is provided for a speech, appearance, article, or similar activity in connection with an employee's duties for the ESD) specifically approved by the Superintendent as being consistent with the principles of this policy.

Except as permitted by law, the Board will not employ the spouse or relatives residing in the same household of the Superintendent or members of the Board. No employees will be placed in any position where direct administrative or supervisory authority is exercised by his or her spouse or by any other relative residing in the same household. Relatives of employees or Board members may not be shown preference for employment in any position.

Legal References: RCW 42.23.230  
RCW 42.23.040  
WAC 181-87-090

## 4500-P Conflicts of Interest

The following criteria will be considered when employee requests for authorization to receive compensation from member districts outside of ESD 105 workday and responsibilities (see Form 5251).

- 1) Employees shall not be involved in outside employment to a degree that adversely affects their ESD 105 job assignment.
- 2) Employees shall not receive remuneration for outside employment during the regular working day. In other words, employees must either be on annual leave or on approved leave without pay status for any period for which they receive compensation for outside employment.
- 3) Employees who receive remuneration for work performed outside their ESD 105 employment should regularly advise the Superintendent of such activity and review with the Superintendent whether such work may have an adverse impact on their duties as a ESD 105 employee.
- 4) Employee shall not use their position to gain favorable consideration in obtaining outside employment.
- 5) Employees shall not have a direct and substantial interest, financial or otherwise, or engage in any business or transaction or professional activity, which is in conflict with the proper discharge of official duties or is in conflict with the public interest in his/her capacity as an administrator, employee, or agent of ESD 105.
- 6) Employees shall not transact or participate in a transaction of any business in his/her official capacity as an ESD 105 employee with any business entity of which he/she is an officer, agent, employee, or a member, or in which he/she or his/her spouse or minor child has a direct and substantial economic interest.

Employees wishing to participate in outside employment shall submit, prior to commencing work, a *Request for Approval of Outside Employment* form to his/her immediate supervisor who will forward it to the Superintendent's office (see Form 5251).

HR Dept. 11/14/11  
ALT Approved: 11/15/11

**4500-F Request Form**

**Educational Service District 105**  
**Request for Approval of Outside Employment**

Employee: \_\_\_\_\_

Name of outside employer: \_\_\_\_\_

Worksite: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone: \_\_\_\_\_

Work to be performed: \_\_\_\_\_

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

Hours and days of employment: \_\_\_\_\_

Additional comments: \_\_\_\_\_

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

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor comments: \_\_\_\_\_

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

\_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Superintendents comments: \_\_\_\_\_

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

Approved       Disapproved

\_\_\_\_\_  
Superintendent \_\_\_\_\_ Date \_\_\_\_\_

## **4600 Payroll Considerations**

4610

Employee salaries are paid on the last working day of each month.

4620

Mandatory deductions from paychecks include federal and state taxes and state retirement where appropriate. Voluntary deductions approved by the Educational Service District are contingent upon a written authorization by the employee and cover health/life insurance, salary insurance, professional dues, United Way contributions, credit union deposits or payments, and annuities.

4630

Health insurance coverage and benefits, as authorized by the Educational Service District Board, are made available to all staff members whose regularly scheduled Educational Service District employment is at least half time.

## **4700 Overtime**

4710

The Educational Service District work week is defined as that period of 168 hours beginning at 12:00 am (Midnight) on Sunday.

4720

Exempt Employees - The work schedule for exempt employees is not limited to 40 hours per week, but to the amount of time required to fulfill the responsibilities of their assignments. However, when an employee's duties require attendance at meetings, workshops, conferences or seminars on Saturdays, Sundays, or scheduled holidays, compensatory time may be allowed with prior approval of the immediate supervisor and the Superintendent or designee.

4730

Compensatory time is to be taken within 60 days of its accrual or is forfeited unless an extension is granted by the immediate supervisor and the Superintendent or designee.

4740

Non-Exempt Employees - No non-exempt employee may work in excess of his/her work schedule without prior approval of the immediate supervisor and the Superintendent or designee. Authorized overtime, in excess of 40 hours per week, is compensated at a rate of one and one-half times the regular rate of pay. In lieu of overtime pay, an employee can request compensatory time which is calculated on the basis of one and one-half hours for each overtime hour worked.

4750

Compensatory time is to be taken within 60 days of its accrual. Compensatory time not taken within this time period will be paid on the next month's payroll.

## **4760 Work Schedule**

4761

District service demands, the need to minimize overtime, or the need to make arrangements for child care as long as it does not interfere with work demands may require the adjustment of exempt or non-exempt staff work schedules. The adjustments may be for a short-term and specified period; or for a longer or ongoing time period defined as an Alternate Schedule.

## **4760P Work Schedule**

### **General Guidance**

In accordance with Policy 4760 the following procedures are established to enable the Agency to provide service to our regional school districts and community by establishing standard operating hours and work schedules.

- 1) The normal workday is 7:30 a.m. to 4:30 p.m. Monday through Friday. The Superintendent will assign work shifts to employees to support business practices. The ESD 105 office will, however, maintain an official, extended work week which shall begin at 12:00 a.m. (Midnight), Sunday (Policy 4710).
- 2) A change in a work schedule requires written prior approval before implementation.
- 3) Staff members may take one hour or thirty (30) minutes during the workday for lunch. Lunch periods are unpaid and therefore are not included in the calculation of total workday hours. Lunch periods should be scheduled during the traditional lunch period timeframe and approved by the department supervisor. Two fifteen-minute rest periods are included in the workday. Lunch breaks and rest periods not utilized on a daily basis may not be accumulated or used to leave work early. Staff may not fluctuate on their chosen lunch break.

Staff approved for a 30 minute lunch may not leave prior to 4:00 p.m.

- 4) Summer work schedules may be established by the order of the Superintendent.

4763

Alternate Schedule: Purpose – District service demands require services prior to or after school hours in order to access their staff. An alternate schedule is for one or more days per week, and for service in duration of over two weeks and may be continuing in duration, unless canceled with at least a one-month advance notice by the director of the department, or the employee with the director’s approval. Workday start and end times differ from the normal workday, yet the same number of hours per day is maintained.

4764

An Extended Workday Schedule allows staff the ability to work extended daily work hours resulting in time off during the established work week while maintaining a full-time work schedule.

The Superintendent shall develop procedures regarding the Work Schedule and Extended Schedule work arrangements.

Board Approved: 10/23/18

Board Revised: 12.19.2023

## **4764P Alternate & Extended Workday Schedules**

### **Extended Work Day Schedule (9 hours schedule) Exempt Staff**

In accordance with policy 4764 the following procedures are established to allow ESD 105 exempt employees the ability to work extended daily work hours over a two-week period to accumulate eighty (80) work hours allowing them to have every other Friday or Monday off.

Option 1 - An exempt employee who would like to take Friday off would work nine (9) hours Monday through Thursday, and eight (8) hours on Friday of the first week; and nine (9) hours Monday through Thursday of the following week (second week) to complete the eighty (80) work hours needed to have the Friday off.

Option 2 - An exempt employee who would like to take Monday off would work nine (9) hours Monday through Thursday, and 8 hours on Friday of the first week; and have Monday off on the second week, and work nine (9) hours Tuesday through Friday on the second week to complete the eighty (80) work hours needed.

(i.e. 7:00 a.m. to 5:00 p.m.; 7:30 a.m. to 5:30 p.m.; or 8:00 a.m. to 6:00 p.m. with an hour off for lunch or 7:00 a.m. to 4:30 p.m.; 7:30 a.m. to 5:00 p.m.; 8:00 a.m. to 5:30 p.m. with 30 minutes off for lunch).

Each ESD 105 department supervisor shall schedule employee work schedules to provide departmental coverage from 7:30 a.m. to 4:30 p.m. during ESD 105 work hours and will have the responsibility to maintain the highest standards of work quality, productivity, and customer service.

All requests for extended work day schedule changes need to be pre-approved by the ESD 105 supervisor before any change in a work schedule begins. If the ESD 105 supervisor or ESD 105 superintendent determine that a schedule does not meet the needs of ESD 105, they may cancel the extended workday schedule by giving the employee a two week notice.

If a holiday should fall on an employee's scheduled day off, then the employee would take the next scheduled work day off (i.e. Employee has Monday off, holiday falls on Monday, employee would take Tuesday off.)

All holidays that fall within an employee's extended day work schedule will be paid at eight (8) hours for the holiday.

### **Extended Work Day Schedule (with half day off weekly) Exempt & Non-Exempt**

In accordance with policy 4764 the following procedures are established to allow ESD 105 non-exempt or exempt employees the ability to work extended daily hours over a one-week period to accumulate forty (40) work hours allowing them to have a half day off either on Fridays or Mondays.

Option 1 – employee would work:

- Nine (9) hours on Monday through Thursday including morning and afternoon breaks
- Four (4) hours on Friday, with taking a half day off either Friday morning or afternoon

Option 2 – employee would work:

- Four (4) hours on Monday, with taking a half day off either Monday morning or afternoon
- Nine (9) hours on Tuesday through Friday including morning and afternoon breaks

Staff will have the option of starting their day either at 7:00 a.m., 7:30 a.m., or 8:00 a.m.

(i.e. 7:00 a.m. to 5:00 p.m.; 7:30 a.m. to 5:30 p.m.; or 8:00 a.m. to 6:00 p.m. with an hour off for lunch or 7:00 a.m. to 4:30 p.m.; 7:30 a.m. to 5:00 p.m.; or 8:00 a.m. to 5:30 p.m. with 30 minutes off for lunch).

Each ESD 105 department supervisor shall schedule employee work schedules to provide departmental coverage from 7:30 a.m. to 4:30 p.m. during ESD 105 work hours and will have the responsibility to maintain the highest standards of work quality, productivity, and customer service.

All requests for extended work day schedule changes need to be pre-approved by the ESD 105 supervisor before any change in a work schedule begins. If the ESD 105 supervisor or ESD 105 superintendent determine that a schedule does not meet the needs of ESD 105, they may cancel the extended workday schedule by giving the employee a two-week notice.

If a holiday should fall on an employee's scheduled day off, then the employee would take the next scheduled work day off (i.e. Employee has Monday off, holiday falls on Monday, employee would take Tuesday off.)

All holidays that fall within an employee's extended day work schedule will be paid at eight (8) hours for the holiday



# 4760-F Schedule Change Form



## Request for Change in Work Schedule

**Please Print**

<b>Name</b>		<b>Department</b>	
<b>Position</b>		<b>Non-Exempt</b>	<input type="checkbox"/>
		<b>Exempt</b>	<input type="checkbox"/>

**Request for (check if applicable):**

<b>Policy 4762-Flex Time</b>	<input type="checkbox"/>	<b>Policy 4763-Altered Schedule</b>	<input type="checkbox"/>	<b>30 minute Lunch Break</b>	<input type="checkbox"/>	<b>Return to Regular ESD Schedule and 1 hr. Lunch Break</b>	<input type="checkbox"/>	<b>Return to Regular ESD Schedule and 30 minute Lunch Break</b>	<input type="checkbox"/>
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**Extended Work Day Schedule (Check One Option)**

<b>Policy 4765 – For Exempt Staff</b>	<b>Option 1 – Friday off</b>	<input type="checkbox"/>	<b>Option 2- Monday off</b>	<input type="checkbox"/>	<b>Policy 4766 – For Non-Exempt &amp; Exempt Staff</b>	<b>Option 1- off Friday</b>	<input type="checkbox"/>	<b>am</b>	<input type="checkbox"/>	<b>pm</b>	<b>Option 2 – off Monday</b>	<input type="checkbox"/>	<b>am</b>	<input type="checkbox"/>	<b>pm</b>
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<b>Specify Requested Start Date:</b>	<b>Duration of Schedule Change (check one):</b>	<input type="checkbox"/> end date (specify date to end _____)	<input type="checkbox"/> Continuing
--------------------------------------	---	---	-------------------------------------

**Requested Action:**

Day	Work Day Start Time	Lunch Break (start and end time)	Work Day End Time	Total Hours
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
<b>Total Week Hours</b>				

<b>Reason for Request</b>	
---------------------------	--

<b>Employee's Signature</b>		<b>Date:</b>	
-----------------------------	--	--------------	--

**To be completed by Director:**

Is there sufficient office coverage during regular hours (7:30 am–4:30 pm)?	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
Are resources available to support his/her work, e.g. computer, copy machine?	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
Other Comments:				

<b>Director's Signature</b>		<b>Approve</b>	<input type="checkbox"/>	<b>Reject</b>	<input type="checkbox"/>	<b>Date:</b>	
<b>Reason for Rejection</b>							

<b>Cabinet Level Supervisor's Signature</b>		<b>Approve</b>	<input type="checkbox"/>	<b>Reject</b>	<input type="checkbox"/>	<b>Date</b>	
<b>Reason for Rejection</b>							

c: Original – HR Personnel File  
 Department Director  
 Employee

## 4770 Flexible Work Location

ESD105 recognizes the growing need for flexibility in our work location to support our overall retention and employee satisfaction goals. ESD 105 may offer the option of flexible work location to enable staff members to work off-site outside the traditional workplace. Each request for flexible work location shall be considered on a case-by-case basis. Allowing employees flexibility in their work location will be balanced with each department's needs to ensure high levels of service, productivity, collaboration, and overall employee satisfaction. Additionally, it is critical we maintain a high level of data security of both business and customer related data. Supporting our culture of service and achieving our mission is most successful when employees work and collaborate with each other on a regular basis.

As a regional education agency established by the Washington state legislature, ESDs are only licensed to operate in Washington state. ESD 105's current infrastructure and resources support this agency role and in-state, regional service delivery model. The agency's infrastructure and service delivery model does not support telework outside of Washington state. In addition, as a public agency, legal compliance which varies from state to state (e.g., state taxes, unemployment insurance, workers' compensation, minimum wage, break laws, employment laws, etc.) is beyond the scope of the ESD infrastructure and established purpose.

Therefore, to protect the purpose and intent of the ESD as established in RCW 28A.310.010, the work of ESD 105 employees onsite or via a flexible work location must occur within Washington state, unless it is associated with work-related travel (e.g., conference, etc.) or is limited/incidental (e.g., while on leave, responding to an urgent email or participating in an unavoidable meeting). Staff seeking pathways to support family outside of Washington state while maintaining their current employment can explore other ESD 105 policies that may meet their needs such as annual leave, family, and medical leave, etc.

ESD 105 offers employees the following workplace options:

1. Flexible – An employee's work can be a combination of working onsite at a ESD 105 facility, other designated site, or local district, and working remotely. The employee's work may require they come to the office or other site location on an as-needed basis for tasks not conducive for video conferencing or as defined by the employee and administrator. Flexible workplace options may also include coming to the office to collect or send department mail, make copies, complete scanning, etc., and working remotely.
2. Remote – This form of flexible work location is for staff members employed in the Information Service Center Collaborative who provide service to school districts in more than one region. These staff members will work remotely however in-office or other on-site location work will be required on an as-needed basis to provide services within the Collaborative Regional service area.

The superintendent shall develop procedures regarding flexible work location arrangements.

**THIS POLICY DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE INTERPRETED AS CREATING AN EMPLOYMENT CONTRACT OR GUARANTEE OF CONTINUED EMPLOYMENT, SHALL NOT IN ANY WAY BE CONSTRUED TO EXTEND OR PROVIDE STATUTORILY PROVIDED CERTIFICATED EMPLOYMENT RIGHTS TO ANY NON-CERTIFICATED/CLASSIFIED EMPLOYEE, AND SHALL NOT CONSTITUTE ANY EXCEPTION TO THE AT-WILL EMPLOYMENT DOCTRINE.**

Revised: 08.22.2023

Board Approved: 11.22.2022

## **4770 - P Flexible Work Location Procedure**

### **General Guidance**

ESD 105 Flexible Work Location policy may vary by each department and position due to the unique requirements and expectations of that department and position as it relates to duties, support, service to clients, and interaction amongst and across agency departments staff members. ESD 105 Flexible Location Work policy is not an Agency wide benefit and not our default option for employees. Most employees are expected to work at their assigned onsite office location. Our policy on Flexible Work Location is intended to provide additional flexibility for employees and may be revised or rescinded at any time.

ESD 105 retains discretion to determine whether a position is suitable for working remotely and if a particular employee is eligible to work remotely. Factors that influence this may include but are not limited to:

- Ability to complete expected job duties working from a remote environment.
- Ability to effectively engage with co-workers to ensure team cohesiveness and collaboration.
- Past employee performance.
- Track record of working productively with little to no supervision.
- Ability to professionally engage with customers and team members.
- Availability of necessary technology services (e.g. internet speed) to support the Flexible Work Location.
- Ability to provide timely response to agency communications, calls, e-mails, Teams chat, etc., that are the same as expected while working in the office.

### **Flexible Work Location Expectations**

- **Webcams:** Webcams are required for any employee working remotely and should be turned on during meetings/calls when engagement/participation is required. It adds to the overall professionalism and personal engagement.
- **Personal Appearance:** Regardless of location it is important to always look professional and dress like you would when you are working in the office.
- **Dedicated workspace:** Must have a dedicated space that maintains a distraction free environment. Think about the area behind you that your camera will be capturing – a neat and organized space or ESD background template eliminates distractions for others.
- **Be Positive:** In virtual meetings, it can be more difficult to judge body language or overall tone of what's being said. Stay positive to help avoid misunderstandings.
- **Be present and participate:** It's important to be present and actively participate in meetings to keep them more productive. This includes prioritizing follow-up and clear communication.
- **Privacy:** Your surroundings and whether anyone can overhear your meetings or conversations should be considered confidential. Make arrangements to ensure privacy.

## Eligibility

A Flexible Work Location arrangement may be assigned or established through an agreement between the immediate supervisor and the employee, and each request for Flexible Work Location shall be considered on a case-by-case basis. Flexible Work Location arrangements must meet the following requirements:

- Flexible Work Location arrangements are subject to the discretionary prior approval by the responsible department director and Cabinet level administrator.
- Flexible Work Location arrangements are revocable at the discretion of the immediate supervisor, in consultation with the responsible department director and/or Cabinet level administrator.
- Flexible Work Location arrangements will be for a prescribed period of time as detailed in the Flexible Work Location agreement.
- For new staff members, Flexible Work Location arrangements may be established after three months of satisfactory performance.
- Employees working from a flexible work location are expected to make dependent and childcare arrangements during regularly scheduled work hours.
- The flexible work location schedule must align with the program's/department's scheduled face-to-face meetings for proactive team development and maintenance.
- The employee's essential job functions as outlined in the position description must clearly be conducive to a Flexible Work Location arrangement. There are positions within the agency whose essential functions do not allow for Flexible Work Location arrangements.
- The employee's performance evaluations must reflect sustained high performance in an unsupervised environment.
- The employee's required productivity level is sustainable in a Flexible Work Location environment.
- The employee does not require close supervision or frequent direction or guidance.
- The employee has not received disciplinary action.
- The employee has demonstrated consistent attendance.
- The agency will not incur any additional cost.

Flexible Work Location requires telephone access at the flexible worksite and may also require additional equipment and services such as computers, scanners, printer, modems, cellular telephones, and internet service with video conferencing capability.

Parameters (based on consultation with the immediate supervisor) within which Flexible Work Location arrangements may be considered include:

- Administrative, supervisory, professional, and non-exempt staff members may be eligible to work remotely up to two (2) days per week.
- Assigned onsite work schedule is not flexible week to week to accommodate personal needs or in lieu of sick or annual leave use.

## **Terms of Employment**

Flexible Work Location arrangements do not change salaries, benefits, job responsibilities, leave policies, or other basic terms of employment. Flexible Work Location is not an entitlement, it is not a contract of employment, and it may be terminated at any time. The employee must adhere to all agency policies, procedures, and expectations when working from a flexible work location.

## **Workers' Compensation**

The employee's Flexible Work Location workspace is considered an extension of the primary worksite. Workers' compensation liability will be limited to the scheduled work hours and the workspace as opposed to applying to all areas of the flexible worksite. The workspace and work hours will be identified in the Flexible Work Location agreement. Workers' compensation will not apply to injuries that occur in the employee's premises outside the workspace and work hours specified in the Flexible Work Location agreement.

The employee also remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises. ESD 105 will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises.

## **Maintenance/Utilities**

ESD 105 is not responsible for the cost of internet services, utilities, or maintenance for the flexible work site. Likewise, ESD 105 is not responsible for the cost of maintenance associated with an employee's personal equipment used for remote work.

## **FLEXIBLE WORK LOCATION ASSIGNMENT**

The employee and supervisor are to specify the terms of the individual Flexible Work Location arrangement on the Flexible Work Location Request/Agreement form. When completing the form, the supervisor and employee are to consider and document the following aspects of remote work.

Note: Assigned onsite work schedule is not flexible week to week to accommodate personal needs or in lieu of sick or annual leave use. Staff may be required to report to the office, or any other work site as needed during normal workdays, including on a scheduled remote workday. Such requirement will not alter onsite work schedule for the week (i.e., flexible location workdays will not be "traded" for a different day if required to be in office on remote workday).

## **Accountability/Performance Measurement**

The employee and immediate supervisor confirm the tasks or scope of work to be completed at the flexible work site, the time frames for completion, and how work will be reviewed, reported, evaluated, and measured. The employee is still subject to agency policies including the requirement to report all leave taken.

## **Methods of Communication/Expectations for Availability**

The employee and immediate supervisor determine how communication between the employee and the work site will be handled. Prescheduled times may be established for the employee to be available at the Flexible Work Location site so that the immediate supervisor or other ESD 105 administrators may make worksite visits or assessments during mutually agreed upon times. The employee is expected to remain Flexible to respond to business requirements, which may include working at the office during a scheduled Flexible Work Location day. Such requirement will not alter onsite work schedule for the week (i.e., flexible location workdays will not be "traded" for a different day if required to be in office on remote workday).

### **Security/Confidentiality**

Security of the employee's computing environment shall be in accordance with Policy 17000 – Technology and Electronic Resources. In all cases, this will require that the employee's computer be configured such that there is a secured, password-protected, desktop environment which is dedicated to the sole use of the employee. Others who reside at/visit the Flexible Work

Location work site must not share a desktop environment with the employee. Additionally, all precautions should be taken to avoid saving work-related passwords and/or Family Educational Rights and Privacy Act (FERPA)-protected documents in this environment unless encrypted.

### **Records**

The employee shall maintain public records in compliance with the Public Records Act and the General Records Retention Schedule for School Districts and Educational Service Districts in Washington State, as published by the Office of Secretary of State. When feasible and practical, original records are to remain at the main office location. If original records are taken to a Flexible Work Location worksite, the employee is responsible for maintaining the records and ensuring confidentiality.

### **Equipment/Office Supplies**

The employee and immediate supervisor determine the equipment and supplies that are needed at the flexible work site. They also determine who provides equipment and supplies. Equipment may include a personal computer, printer, scanner, etc. The department is to maintain an inventory of agency-owned equipment, software, and supplies located at the employee's flexible work site. If ESD 105 owned equipment at the employee's Flexible Work Location worksite needs to be repaired, the employee will bring the equipment to the office work location for repair. The employee may be held responsible for loss, damage, or wear of ESD 105-provided equipment and supplies. Determination of liability for equipment replacement will be determined on a case-by-case basis by the Superintendent. Equipment and supplies furnished to the employee remain the property of ESD 105 and are to be used only by authorized persons for official business as specified in Policy 16000 – Cellular Telephones. All ESD 105 owned equipment must be returned upon employment separation.

### **Safety and Ergonomics**

The employee and immediate supervisor will work together to establish and maintain a clean and safe dedicated workspace. The employee is responsible for maintaining the remote work site in a manner free from health or safety hazards. If the supervisor, designee, or the ESD 105 Loss Control Consultant determines it is appropriate to verify the workspace is adequate, they may make worksite visits or assessments during mutually agreed upon times. The employee is responsible for notifying the immediate supervisor immediately regarding any safety or ergonomic concerns at the Flexible Work Location worksite and for following ESD 105 procedures for reporting work-related injuries occurring at the remote work site. Health or safety hazards at the Flexible Work Location worksite may result in immediate suspension of the Flexible Work Location arrangement.

### **FLEXIBLE WORK LOCATION AGREEMENT**

Approval of a Flexible Work Location agreement is discretionary. The employee, the immediate supervisor, the division administrator, and the superintendent must confirm and sign a Flexible Work Location Request/Agreement prior to the commencement of work performed at a flexible worksite. If additional terms other than those addressed in the agreement need to be addressed, an attachment should be submitted.

**Length of Commitment/Reversibility**

The employee and immediate supervisor establish dates when the supervisor and the employee will review the effectiveness of the Flexible Work Location agreement and make any necessary adjustments. Start and end dates are specified in the agreement. At a minimum, Flexible Work Location agreements shall be reviewed during the annual evaluation process. ESD 105 may rescind the agreement at any time. Either the employee or the employer may rescind an agreement to a voluntary Flexible Work Location arrangement.

## **4800 Employee Conduct**

4810

Employees are expected to conduct themselves in a manner always befitting their status as an employee of the agency. All confidential business and records must be maintained in confidence.

4820

Prior approval from the Superintendent or designee is required for a staff member to serve as a spokesperson for the agency by any media representative or in any public forum. This provision does not apply to presentations given by employees within their respective program area.



## 5000 BUSINESS EXPENSES

All purchases of goods and services will be made following the issuance of a Purchase Order (see exception below). Prior to the fiscal office generating a purchase order, the department originating the purchase of goods and/or services must prepare a requisition within the WESPaC accounting system as follows:

1. Authorized staff enter purchase requisition data in WESPaC accounting system identifying who the purchase is for, vendor, items to be purchased, quantity, price, account code and any special details or instructions.
  - a. For any purchase of goods or services in the amount of \$3,000 up to \$5,000, the department must provide evidence that at least two vendors have been contacted for competitive pricing.

*NOTE: Purchasing for federal programs must also follow the more restrictive purchasing procedures outlined in Policy 9200-Bids and Quotations.*

*NOTE: Personal services contracts in excess of \$3,000 must include evidence that the provider was selected competitively between at least two providers. If the department determines that the vendor is a sole source provider for the goods or services being sought, the department must indicate in writing the justification of that determination in accordance with Policy 9200-Bids and Quotations. Evidence of quotation or justification of sole source must be indicated on the requisition in the narrative section.*

- b. For any purchase of goods or services in the amount of \$5,001 or greater, the department must contact the Chief Financial Officer to assist in processing the transaction regarding formal or informal quotations.
    - c. The purchase of any furniture, regardless of amount, must have the approval of the Chief Financial Officer. (desks, chairs, filing cabinets, tables, etc.)
    - d. The purchase of computer equipment, software, projectors, etc., needs review and approval by the Technology Coordinator.

When completed the requisition is transferred electronically to the department/program supervisor.

2. The approved requisition is transferred electronically to the department/program supervisor for review of:
  - a) compliance with relevant laws and regulations;
  - b) compliance with ESD105 policies and procedures;
  - c) compliance with specific grant funding source requirements;
  - d) available budget capacity within the program.

After verifying/substantiating the requisition, the department/program supervisor electronically denies or approves the purchase order request, which automatically forwards it to either the next level for approval or to the Chief Financial Officer, or designee, for final approval.

3. The approved requisition is transferred electronically to the fiscal office for review of:
  - a) the request is a legal ESD105 purchase;

- b) the expenditure account code is valid;
  - c) budget capacity exists within the overall budget for all programs and within the object of expenditure for grant funded programs;
  - d) the total cost, based upon numbers provided, is correct;
  - e) necessary paperwork to meet requirements is provided if appropriate; and
  - f) relevant laws, regulations, policies, procedures, and any grant or other funding requirements appear satisfied (based upon information submitted by the originating department).
4. If concerns are identified by the fiscal department, which are not readily resolved by meeting with the department/program supervisor, they are to be referred to the Superintendent for consultation/decision.
  5. Upon approval of a purchase order, the purchase order is issued and mailed to the vendor. One copy is provided to the department.
  6. The fiscal department will verify that all goods have been received and/or services have been rendered.
  7. If the invoice is received by a department/program other than the fiscal department, the invoice with other supporting documentation shall be promptly forwarded to the fiscal department.
  8. Should merchandise be found defective, the department/program will work directly with the vendor to resolve the matter. In addition, the fiscal department should be immediately advised of the problem and provided copies of any related correspondence.
  9. If fiscal department staff has concern(s) related to the propriety of making payment, they shall be communicated to the purchase order originator and his/her supervisor for resolution. Should the concerns remain unresolved, the issue will be forwarded to the Superintendent for consultation/decision. Payment may be withheld until the Superintendent's determination.
  10. The fiscal department will determine if all goods have been received and/or services have been rendered and that adequate documentation has been provided to process payment.

*Exception: Purchases amounting to \$75.00 or less may be reimbursed with petty cash. See PETTY CASH procedures.*

## **5200 REIMBURSEMENT FOR TRAVEL EXPENSES**

The actual and necessary expenses of a Board of Director, administrator, staff member, or designate of ESD105 incurred in the course of performing services for ESD105, whether within or outside of ESD105, may be reimbursed in accordance with the approval and reimbursement procedures of ESD105. For purposes of this policy, travel expense includes amounts paid for use of personal automobiles and other transportation, and actual expenses or reimbursement in lieu of actual expenses for meals, lodging, and related items that are necessary while in the conduct of official business of ESD105. A staff member or ESD105 officer may be reimbursed for gratuities not exceeding the customary 15% for the cost of meals, as well as reasonable amounts for such services as baggage handling, when the costs are incurred while the individual is engaged in ESD105 business or other approved travel.

Reimbursement for travel expenses shall be made from budgeted program/department funds pursuant to the Federal Internal Revenue Code, Internal Revenue Service Regulations, and State Office of Financial Management (OFM) regulations/guidelines.

These travel policies are applicable to ESD105 employees, consultants, advisory committee members, and Superintendent-authorized representatives. However, payment of per diem amounts in-lieu of receipts for actual costs is limited to employees.

Travelers are expected to exercise the same care in incurring costs for meals and lodging that a prudent person would exercise for personal purposes. Employees have the responsibility to ensure that all travel is reasonable, cost effective, directly work-related, obtained at the most economical price, and necessary for ESD105 business. Excess costs are those costs which are not considered the most economical to ESD105. Employees are personally responsible for excess costs incurred for personal preference or convenience.

When scheduling meetings or conferences, first preference must be given to locations at other ESDs, school districts, or other governmental facilities.

Employees are encouraged to utilize alternatives to travel, as well as less expensive means of travel. These methods should include, but are not limited to:

1. teleconferencing, video conferencing;
2. carpooling;
3. reduced frequency of scheduled out-of-town meetings;
4. restricting the number of staff traveling to the same destination; and
5. coordinating between departments for joint travel.

### **Board of Directors**

Travel costs of the ESD105 Board members will be paid in accordance with the provisions of RCW 28A.310.160: "The actual expenses of educational service board members in going to, returning from, and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district." Note-The State Auditor's Office has determined that such "actual expenses" must be reasonable in amount.

## **Meals and Lodging**

The costs of lodging and certain meals incurred by employees and others while in the conduct of official ESD105 business are reimbursable.

Reimbursement for meals and lodging shall be accordance with the provisions and at the rates established by the Office of Financial Management.

## **Transportation**

Mileage reimbursement is not allowed for travel between the employee's home and the official workstation. Daily commute transportation expenses between the employee's residence and official station are a personal obligation of the traveler and are not reimbursable by ESD105. Travelers may be reimbursed for business related mileage provided the miles driven exceed the total miles that the employee would have incurred in their daily commute from their official residence to their official duty station. Mileage driven on Saturdays or Sundays will not be limited by the expected daily commute reduction.

Reimbursement for the use of a private vehicle shall be at the mileage rate established by the Office of Financial Management.

Transportation by common carrier (airline, rail, bus, etc.) is to be arranged for tourist/coach class by the most direct route.

## **Travel Requests**

Travel Requests are required for all travel out of the ESD105 service region unless the travel is part of the employees daily work assignment.

In-State Travel: In-state travel must be approved by a program administrator and the Superintendent, or designee.

Out-of-State Travel: Out-of-state travel for ESD105 employees must be approved by the Superintendent and/or the Board. If it is advantageous to the agency, the superintendent may approve the travel in advance of the regular board meeting and bring it after the fact for the board's review. Note: Travel to cities in Idaho and Oregon that are contiguous to the Washington state border is not considered out-of-state.

## **Advance Travel Account**

An advance travel account is provided to make available advance funds for incurring anticipated reimbursable travel costs when employees and Board members are required to incur reimbursable travel costs.

A travel advance may be made only to ESD105 employees and Board members.

A travel advance, which is duly authorized by the Superintendent, may also be made to interim employees or parent chaperones when the travel advance is in the best interests of ESD105.

## **Travel Reimbursement**

The Superintendent shall develop procedures for all travel claims to be approved prior to payment.

Reimbursement for lodging and subsistence will be made in accordance with rates developed by the State of Washington Office of Financial Management.

Legal References: RCW 28A.310.160-ESD board -- Reimbursement of members for expenses

RCW 28A.310.220-ESD board -- Delegation of powers and duties to superintendent.

RC W 28A.320.050-Reimbursement of expenses of directors, other school representatives,  
and superintendent candidates -- Advancing anticipated expenses

RCW 42.24.090-Municipal corporations and political subdivisions -- Reimbursement claims  
by officers and employees.

RCW 43.03.050-Subsistence, lodging and refreshment, and per diem allowance for officials,  
employees, and members of boards, commissions, or committees

RCW 43.03.060-Mileage allowance.

Washington State Auditor's Bulletin #301-III(d)

Office of Financial Management 10.xx - Travel



## **Travel Request**

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Out-of-State Travel: Out-of-state travel for ESD105 employees must be approved by the Superintendent and/or the Board. If it is advantageous to the agency, the superintendent may approve the travel in advance of the regular board meeting and bring it after the fact for the board's review.

The travel request must show meals, lodging, transportation, registration, and any other estimated expenses for which reimbursement shall be requested upon completion of travel and the budget account to which reimbursement is to be charged.

## **Meals**

Meal costs outside the ESD105 region are reimbursable if the employee is in travel status for eleven (11) hours or meets the exception criteria.

Overnight travel: Meal reimbursement will be reimbursed at the rate in effect for the area where the traveler stops for sleep. The meal reimbursement rate for the last day of travel (return day) would continue to be the rate for the location where the traveler last stopped for sleep.

Non-overnight travel: Meal reimbursement will be reimbursed at the rate in effect for the location of the meal, not the destination of the trip. All non-overnight travel meal reimbursements will be taxable in accordance with IRS regulations.

Meal costs within the ESD105 region area may be reimbursable if the employee has been specifically approved in advance by the Superintendent or designee to attend a meeting or formal training session. This authority is intended for use when ESD105 requires an employee to attend a meeting or formal training session where meals are served and are an integral part of the meeting. To be eligible for reimbursement, each such meeting must be approved in advance on the *Region Area Meal Reimbursement Authorization Form* with a meeting agenda. Allowable meal costs incurred at meetings of ESD105 advisory committees, county Superintendents' meetings, and ESD Board meetings are hereby pre-authorized.

Reimbursement for meal costs will not be provided if the meeting/conference provides the same meal(s) as component(s) with the registration/conference or the motel/hotel provides the same meal(s) as part of the lodging cost.

## **Lodging**

Lodging expenses will be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. Travelers may be reimbursed taxes paid on lodging in addition to the Maximum Lodging Amounts. The Maximum Lodging Amounts shall be defined by the Office of Financial Management.

If lodging costs exceed the allowance for a specific locality, actual lodging costs may be authorized up to 150% of the maximum OFM lodging amounts for the location if one of the following conditions exists and is approved by the Superintendent on the *Request for Exception to the Maximum Lodging Amount* form. When attending a

meeting, conference, convention, or training session under exception 4) below, the Superintendent may authorized a further exception to the 150% rule provided that the lodging is reasonable and is consistent with the lodging costs associated with the event.

- 1) Assigned to accompany an elected official, a foreign dignitary, or others as authorized by law, and is required to stay in the same facility.
- 2) Costs in the area have escalated for a brief period of time either during special events or disasters.
- 3) Lodging accommodations in the area of the temporary duty station are not available at or below the maximum lodging amount, and the savings achieved from occupying less expensive lodging at a more distant site are consumed by an increase in transportation and other costs.
- 4) Attending a meeting, conference, convention, or training session where the traveler is expected to have business interaction with other participants in addition to scheduled events, and it is anticipated that maximum benefit will be achieved by authorizing the traveler to stay at the lodging facility where the meeting, conference, convention, or training session is held.
- 5) To comply with provisions of the Americans with Disabilities Act, or when the health and safety of the traveler is at risk.
- 6) When meeting room facilities are necessary and it is more economical for the traveler to acquire special lodging accommodations such as a suite rather than to acquire a meeting room and a room for lodging.

When an exception to the maximum allowable lodging amount is used, the employee is to select the most economical lodging available under the circumstances. In addition, the employee must provide an explanation on the *Request for Exception to the Maximum Lodging Amount* form as to why an exception to the maximum lodging is necessary.

Reimbursable lodging costs include, within the allowable lodging rates, the basic lodging costs and any applicable taxes. In order to receive reimbursement for lodging costs, receipts for such costs must be attached to the *Travel Expense Voucher*. Lodging costs are reimbursable if incurred at a commercial lodging facility.

If registration fees for conferences, conventions, workshops, or training sessions, ect. include lodging and/or meals, then such lodging and/or meals shall not be claimed for reimbursement.

If an employee becomes ill or is injured while in travel status, lodging and subsistence costs will continue during the leave period while the employee is returning to the official workstation and then back to the assignment.

## **Transportation**

Mileage reimbursement is not allowed for travel between the employee's home and the official workstation.

Daily commute transportation expenses between the employee's residence and official station are a personal obligation of the traveler and are not reimbursable by ESD105. Travelers may be reimbursed for mileage when the miles driven exceed the total miles of the traveler's normal daily commute from their official residence to their official duty station, regardless if the employee actually travels to the ESD that day. Mileage driven which



is less than the traveler's expected daily commute will not be reimbursed. Mileage driven on Saturdays or Sundays will not be limited by the expected daily commute reduction.

ESD105 vehicles shall be used for official business only. Operators are responsible for reasonable security precautions when using an ESD105 vehicle. Such precautions include locking the vehicle and exercising care in parking the vehicle while away from ESD105.

The driver of an ESD105 vehicle must possess a valid Washington State driver's license.

The driver and all persons riding in the ESD105 vehicle are to use seat belts.

Personal vehicles may be authorized for the conduct of official business if an ESD105 vehicle is not available. Only one (1) reimbursement shall be made after multiple individuals travel to the same location, unless an exception is granted by the Superintendent. Except for the limited exceptions provided by OFM, the automobile's insurance shall be primary in case of an accident.

Traffic accidents must be reported to the Superintendent within twenty-four (24) hours.

### **Advance Travel Account**

Travel advances may be provided via the *Request for Advance Travel* for authorized travel out of the ESD105 region area. Travel advances will only be made for the costs of meals and housing. No travel advances will be made for the use of personal vehicles or for the payment of airline tickets. Travel advances will be issued on a per-trip basis only. A return to the work station or residence constitutes the termination of any trip.

A travel advance may be made for reimbursable travel costs of one hundred dollars (\$100.00) or more. Where personal financial situations require a smaller advance for fifty dollars (\$50) or more, the employee may request such an advance from the ESD105 fiscal office.

All requests for advance travel must be received in the ESD105 fiscal office no later than five (5) business days prior to the travel departure date. The request for advance travel expenses is subject to prior approval by the immediate supervisor and the Superintendent or designee.

Requests for advance travel must be reasonable estimates of the employee's actual requirements and must be in compliance with ESD105 policies and procedures and OFM guidelines. Employees must complete the *Request for Advance Travel* form and the *Estimate Travel Advance* worksheet. Once approved by the employee's supervisor the request is forwarded to the ESD105 fiscal office for processing. If approved by the Superintendent or designee, a check will be issued to the employee initiating the request prior to the departure date, but not prior to five (5) working days preceding the departure date. Advance travel checks must be picked up from the Fiscal Office prior to travel. Checks not picked up prior to travel will be canceled.

All travel advances must be settled within ten (10) days following the travel period by submitting a *Travel Expense Voucher*. In the event the employee's total allowable expense is less than the amount of the advance, the *Travel Expense Voucher* must be accompanied by the unexpended portion of the advance. In the event the employees total allowable expense is more than the amount of the advance, the employee will be reimbursed for the difference in accordance with the ESD105 travel reimbursement policy.

Travel advances outstanding beyond ten (10) business days following the travel period are due and payable with interest of ten percent (10%) per annum. Any Board member or employee failing to settle a travel advance within ten (10) days shall be ineligible for travel advances for a twelve (12) month period.

In order to protect ESD105 from any losses on account of advances made, ESD105 shall have a prior lien against and a right to withhold any and all amounts payable or to become payable by ESD105 to the employee up to the amount of the advances, until such time as repayment is made. If the employee no longer works for ESD105, appropriate collection efforts will be undertaken.

## **Travel Reimbursement**

Reimbursement for authorized travel costs may be provided via a *Travel Expense Voucher*. The *Travel Expense Voucher* is NOT to be prepared in pencil. Each *Travel Expense Voucher* must be signed by the claimant.

*Travel Expense Vouchers* must be submitted for reimbursement by the 7<sup>th</sup> calendar day of each month, for the preceding month, using the following process:

*Exception – Travel reimbursement requests for less than \$20.00 may be held by the business office until the total of the reimbursement exceeds \$20.00. All requests under \$20.00 must be submitted within seven (7) days from the last day of the grant period or the last day of August. The sixty (60) day rule will not apply to reimbursement requests under \$20.00.*

1. Complete the *Travel Expense Voucher* in accordance with ESD105 travel policies and OFM guidelines and regulations.
2. Attach original (not copies) of travel receipts (car rental, hotel, parking, etc.) to the *Travel Expense Voucher*. Do not claim any expenses (mileage, lodging, meals, etc.) that are being reimbursed directly to you by a sponsoring agency. Meal expenses for two or more persons submitted for reimbursement must have an original “guest check” or “print-out” showing what was actually ordered and served in addition to the receipt.
3. Sign the completed *Travel Expense Voucher* and submit it to your supervisor for approval.

NOTE: A valid representation of the airline ticket (carbon customer copy, detailed ticket stub, etc.) purchased by ESD 105 must be given to the fiscal accountant upon return. Valid airline tickets purchased personally must be attached to the *Travel Expense Voucher* for reimbursement.

Travel documentation not supplied within the sixtieth (60<sup>th</sup>) day following the travel period will not be reimbursed unless cause is provided, budget is available, and the approval of the Superintendent is obtained. Travel reimbursement funded from grant funding must be submitted within seven (7) days from the last day of the grant period for reimbursement. Travel vouchers are not to include non-travel related supply items exceeding seventy five (\$75) dollars. All supply items require supervisor approval prior to any purchase and must be purchased in accordance with ESD105 purchasing policies to be eligible for reimbursement.

## **Reimbursement Rates**

Reimbursement rates for lodging and subsistence shall be consistent with those developed by the State of Washington Office of Financial Management.

## **Early Learning Policy Council Members and other Parent Travel Expenses**

Early Learning Policy Council members and parents (or guardians) of children currently enrolled in ESD105 Early Learning Programs (hereinafter referred to as “Parent Traveler”) are eligible to receive advance meal per diem funds for travel that requires overnight lodging. No advances will be made for childcare, mileage, or other expenses (see #5 below).

To be eligible for advance meal per diem funds, the Parent Traveler must be enrolled in an ESD-administered Early Learning program or a member of the Parent Policy Council (Policy Council Parent or Policy Council Community Representative).

To request funds, an ESD105 Request for Advance Travel Expense form must be completed, approved, and submitted to the business office and must be received in the ESD105 fiscal office no later than five (5) business days prior to the travel departure date. Once the funds are available, the Business Office will notify the Early Learning Department.

The Early Learning Department shall notify the Parent Traveler that the funds are available.

Required information prior to travel:

- Approved Travel Request form-In State Travel and Out-of-State travel form
- Copy of agenda to show which meals are being provided by the conference.

Required information after travel:

- Authorized Early Learning staff member shall provide written email confirmation to the Business Office that the PC Traveler attended the entire event.
  - If Parent Traveler did not attend or stay for the entire event, authorized Early Learning staff member will notify the Parent Traveler of the required 10 (ten) business days repayment obligation as noted on the ESD105 Request for Advance Travel Expense form.

### **1. Meals**

When in travel status, all meals that are not provided by the conference will be paid to the Parent Traveler at OFM meal per diem rates in advance of the trip.

If Parent Traveler is unable to attend or fails to stay for the entire duration of the event dates for any reason, Parent Traveler will be required to repay the advance per diem meals that they were not eligible for. Repayment will be made within 10 (ten) business days from the last day of the event.

### **2. Lodging**

Early Learning or other ESD105 staff will pay lodging costs directly to provider. Parents will not be expected to pay lodging costs and seek reimbursement.

### **3. Registration**

Early Learning or ESD105 program will pay registration fees directly to the vendor or conference sponsor. Parents will not be expected to pay registration fees and seek reimbursement.

### **4. Airfare**

Early Learning or other ESD105 staff books and pays airfare reservations. Parents will not be expected book nor pay for airfare and seek reimbursement.

## **5. Miscellaneous Expenses**

All other expenses (such as mileage, childcare, shuttle, taxi, etc) will be reimbursed after the trip upon completion of an ESD105 Travel Expense voucher. Once approved, the Travel Expense Voucher will be processed for payment.

Revised 01.24.2023

**Form 5200-F1**

**ESD 105 TRAVEL AUTHORIZATION REQUEST**

DIRECTIONS: This form is to be completed by ESD employees when requesting approval for authorized travel expenses. Note that prior approval by the Board of Directors is required when requesting approval for out-of-state travel.

NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

TRIP DESTINATION \_\_\_\_\_

DATE OF TRAVEL: FROM \_\_\_\_\_ TO \_\_\_\_\_

PURPOSE OF TRIP \_\_\_\_\_

ESTIMATED EXPENSES

TRANSPORTATION:  
Include: personal car mileage, airplane, rental car, etc. \$ \_\_\_\_\_

CONFERENCE REGISTRATION: \$ \_\_\_\_\_

MEALS: \$ \_\_\_\_\_

LODGING: \$ \_\_\_\_\_

OTHER: Please list \_\_\_\_\_ \$ \_\_\_\_\_

SOURCE OF FUNDS OR ACCOUNT CODE \_\_\_\_\_ TOTAL \$ \_\_\_\_\_

OUT-OF-STATE

- Yes  No Travel is required by the grant
- Yes  No Will you be presenting at the conference/event?
- Yes  No Will this event be held again next year and are you expected to attend?

\_\_\_\_\_  
Date Department Head Date Signature of Applicant

Supervisor Date Superintendent Date

OUT-OF-STATE APPROVAL

\_\_\_\_\_  
Secretary of Board Date

**Form 5200-F2 Request for Lodging Exception**

**EDUCATIONAL SERVICE DISTRICT 105  
REQUEST FOR EXCEPTION TO THE  
MAXIMUM LODGING AMOUNT**

DIRECTIONS: This form is to be completed when an employee is requesting to exceed the specific daily maximum allowable lodging rate in effect for the specific area or locality of their travel. This form must be completed prior to travel and must be attached to the *Travel Expense Voucher* in order to receive reimbursement. See ESD 105 travel policies and procedures for additional information.

I, \_\_\_\_\_, request that I be granted an exception to the maximum lodging amount for the following reason (not to exceed 150% of the maximum per diem rate):

1) Check the line beside the appropriate reason

\_\_\_\_ Assigned to accompany an elected official, a foreign dignitary, or others as authorized by law, and is required to stay in the same facility.

\_\_\_\_ Costs in the area have escalated for a brief period of time either during special events or disasters.

\_\_\_\_ Lodging accommodations in the area of the temporary duty station are not available at or below the maximum lodging amount, and the savings achieved from occupying less expensive lodging at a more distant site are consumed by an increase in transportation and other costs.

\_\_\_\_ Attending a meeting, conference, convention, or training session where the traveler is expected to have business interaction with other participants in addition to scheduled events, and it is anticipated that maximum benefits will be achieved by authorizing the traveler to stay at the lodging facility where the meeting, conference, convention, or training session is held.

\_\_\_\_ To comply with provisions of the Americans with Disabilities Act, or when the health and safety of the traveler is at risk.

\_\_\_\_ When meeting room facilities are necessary and it is more economical for the traveler to acquire special lodging accommodations such as a suite rather than to acquire a meeting room and a room for lodging.

2) Date, location, and purpose of travel: \_\_\_\_\_

\_\_\_\_\_

Anticipated daily lodging rate \_\_\_\_\_ (not including taxes)

Maximum allowable lodging rate \_\_\_\_\_

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

\_\_\_\_\_  
Superintendent's Approval              Date

**Form 5200-F3 Meal Reimbursement**

**ESD 105 SERVICE AREA  
MEAL REIMBURSEMENT AUTHORIZATION FORM**

**DIRECTIONS:** This form is to be completed to authorize meal reimbursement when an employee is requesting meal reimbursement within the ESD105 service area and is not in travel status. To be eligible for reimbursement, the meal(s) must be served at and be an integral part of the meeting. This form must be attached to the *Travel Expense Voucher* in order to receive reimbursement. See ESD 105 travel policies and procedures for additional information.

Name \_\_\_\_\_ Department \_\_\_\_\_

Date of Travel \_\_\_\_\_ Date of Return to Work \_\_\_\_\_

Destination (City, State) \_\_\_\_\_

Location of Meeting \_\_\_\_\_

Purpose of Meeting \_\_\_\_\_

\_\_\_\_\_

How does this meeting relate to your work assignment? \_\_\_\_\_

\_\_\_\_\_

Is the meal an integral part of the meeting?  Yes  No

Estimate Meal Cost \_\_\_\_\_

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

Request Approved?  Yes  No

\_\_\_\_\_  
Department Head Date

Request Approved?  Yes  No

\_\_\_\_\_  
Superintendent Date

Revised: 10/7/11

How does this meeting relate to your work assignment? \_\_\_\_\_

Is the meal an integral part of the meeting?  Yes  No

Estimate Meal Cost \_\_\_\_\_

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

Request Approved?  Yes  No

\_\_\_\_\_  
Department Head Date

Request Approved?  Yes  No

\_\_\_\_\_  
Superintendent Date

Revised: 10/7/11

## **5210 Purchasing: Authorization and Control**

The Board authorizes the Superintendent to direct expenditures and purchases, within the limits of the detailed annual budget. The Superintendent shall establish requisition and purchase order procedures as a means of monitoring the expenditure of funds. Staff members who obligate the district without proper prior authorization may be held personally responsible for payment of such obligations.

Board Approved: 10/29/19



## 5210P Purchasing: Authorization and Control

All purchases of goods and services will be made following the issuance of a Purchase Order. *Exception: purchases amounting to \$75.00 or less may be reimbursed with petty cash. See PETTY CASH procedures below.* Prior to the fiscal office generating a purchase order, the department originating the purchase of goods and/or services must prepare a requisition within the accounting system as follows:

1. Authorized staff enter purchase requisition data in the accounting system identifying who the purchase is for, vendor, items to be purchased, quantity, price, account code and any special details or instructions.
  - a. Procedures for purchasing goods or services such that purchases, other than those made through an inter-local purchasing agreement, shall be on a competitive basis as follows:

Competitive quotes shall be solicited from responsible vendors whenever the total cost is estimated to exceed the federal “micro purchase” limit (\$10,000 at the time of this policy adoption), but be less than the applicable bid limit set in 1b. Annually, the Superintendent may self-certify a “micro purchase” threshold up to \$50,000 for ESD 105 if the following conditions are met:

1. ESD 105 qualifies as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit, and
  2. ESD 105 performs an annual internal institutional risk assessment to identify, mitigate, and manage any financial risks.
- b. Formal sealed bids shall be publicly solicited from responsible vendors whenever the total cost is estimated to exceed two hundred and fifty thousand dollars (\$250,000).

*NOTE: Purchasing for federal programs must also follow the more restrictive purchasing procedures outlined in Policy 5220 Bids and Quotations.*

*NOTE: Personal services contracts that exceed the micro purchase limit (\$10,000 at the time of this Policy adoption) must include evidence that the provider was selected competitively between at least two providers. If the department determines that the vendor is a sole source provider for the goods or services being sought, the department must indicate in writing the justification of that determination in accordance with Policy 5220 Bids and Quotations. Evidence of quotation or justification of sole source must be indicated on the requisition in the narrative section.*

When completed the requisition is transferred electronically to the department/program supervisor.

2. The approved requisition is transferred electronically to the department/program supervisor for review of:
  - a) compliance with relevant laws and regulations;
  - b) compliance with ESD105 policies and procedures;
  - c) compliance with specific grant funding source requirements;
  - d) available budget capacity within the program.

After verifying/substantiating the requisition, the department/program supervisor electronically denies or approves the purchase order request, which automatically forwards it to either the next level for approval or to the Chief Financial Officer, or designee, for final approval.

3. The approved requisition is transferred electronically to the fiscal office for review of:
  - a) the request is a legal ESD105 purchase;
  - b) the expenditure account code is valid;
  - c) budget capacity exists within the overall budget for all programs and within the object of expenditure for grant funded programs;
  - d) the total cost, based upon numbers provided, is correct;
  - e) necessary paperwork to meet requirements is provided if appropriate; and
  - f) relevant laws, regulations, policies, procedures, and any grant or other funding requirements appear satisfied (based upon information submitted by the originating department).
4. The fiscal department shall have three (3) days to process requisitions for approval. If concerns are identified by the fiscal department, which are not readily resolved by meeting with the department/program supervisor, they are to be referred to the Superintendent for consultation/decision.
5. Upon approval of a purchase order, the purchase order is issued and returned to the department for submission to the vendor.
6. The fiscal department will verify that all goods have been received and/or services have been rendered.
7. If the invoice is received by a department/program other than the fiscal department, the invoice with other supporting documentation shall be promptly forwarded to the fiscal department.
8. Should merchandise be found defective, the department/program will notify the fiscal department to resolve the matter with the vendor.
9. If fiscal department staff has concern(s) related to the propriety of making payment, they shall be communicated to the purchase order originator and his/her supervisor for resolution. Should the concerns remain unresolved, the issue will be forwarded to the Superintendent for consultation/decision. Payment may be withheld until the Superintendent's determination.
10. The fiscal department will determine if all goods have been received and/or services have been rendered and that adequate documentation has been provided to process payment.

## **PETTY CASH**

Utilizing the purchase order system is the preferable method to purchase goods and services. When an item or service requires immediate payment in an amount less than \$75, staff may request the use of the petty cash fund. Prior approval and notification to the accounting technician is necessary for the use of the petty cash fund. Staff should not purchase with personal funds in advance and then ask for reimbursement from the petty cash fund.

### **Process**

1. The staff member obtains purchase approval from the department director indicating that the expense is less than \$75 and that time is of the essence requiring immediate acquisition.
2. The staff member contacts the accounting technician and provides information regarding the item to be purchased and the vendor. The accounting technician will verify that the purchase has been authorized, that a purchase order is not an option, and that an open account does not exist with the vendor.
3. The accounting technician will provide cash to the staff member who will sign as being in receipt of the cash.
4. Within the same business day, the staff member will proceed to the vendor and acquire the item. By the end of the next business day the staff member will return the receipt with his/her signature and date and their supervisor's signature and date to the accounting technician and return the unused cash to reconcile to the initial amount of petty cash provided.
5. Authorized purchases that are not in conformance with these procedures will be referred to the expense reimbursement process for normal reimbursement during the accounts payable process.

## 5220 BIDS AND QUOTATIONS

The Educational Service District 105 (ESD 105) Board establishes this policy to ensure all procurements comply with Washington State and federal regulations, while permitting the timely acquisition of goods and services at fair and reasonable prices. For the purposes of this policy, all dollar limits shall be instituted on the basis of the entire cost of the acquisition with each vendor for the project. This policy is to guide the purchases of goods, services, and the procurement of public works.

The Board recognizes:

1. With the exception of public works and electronic data processing or telecommunication purchases, the State of Washington has not provided state laws or regulations governing the procurement of goods or services for educational service districts.
2. Federally funded transactions must meet federal General Procurement Standards as detailed in 2 CFR 200.318.

Therefore, the Board establishes the following procurement expectations:

1. "Public works" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed for ESD 105 facilities, or which is by law a lien or charge on any property therein. All public works shall comply with applicable public work statutes. All public works including maintenance, when awarded by competitive bid, shall comply with RCW 39.12.
2. Purchases of electronic data processing or telecommunications equipment, software or services shall comply with RCW 39.04.270.
3. Procedures for purchasing goods or services such that purchases, other than those made through an inter-local purchasing agreement, shall be on a competitive basis as follows:
  - A. Competitive quotes shall be solicited from responsible vendors whenever the total cost is estimated to exceed the federal "micro purchase" limit (\$10,000 at the time of this Policy adoption), but be less than the applicable bid limit set in 3B) for any purchase made from federally funded programs. Annually, the Superintendent may self-certify a "micro purchase" threshold up to \$50,000 for ESD 105 if the following conditions are met:
    1. ESD 105 qualifies as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit, and
    2. ESD 105 performs an annual internal institutional risk assessment to identify, mitigate, and manage any financial risks.
  - B. Formal sealed bids shall be publicly solicited from responsible vendors whenever the total cost is estimated to exceed two hundred and fifty thousand dollars (\$250,000) for any purchase made from federally funded programs.
4. Except as described above, ESD 105 staff will employ cost effective methods for acquiring goods, services, and public works.

5. Competitive procurement procedures may be waived in the following instances. When such waivers are implemented, the factual basis for the exception must be recorded and filed with the ESD 105 Fiscal Services Department.
  - A. Purchases clearly and legitimately limited to a single source of supply.
  - B. After solicitation of a number of sources, competition is determined inadequate.
  - C. Purchases, including public works, in the event of an emergency.
  - D. The awarding entity authorizes noncompetitive proposal in response to a written request.

If an emergency exists, the Superintendent, or his/her designee, may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the ESD 105 to address the emergency situation. For purposes of this section "emergency" means unforeseen circumstances beyond the control of the ESD 105 that either (a) present a real, immediate threat to the proper performance of essential functions; or, (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

6. When bidding and/or purchasing is being done on behalf of member districts, the applicable statutes and regulations shall be followed. However, it is understood and shall be proactively communicated to member districts that they are ultimately responsible to ensure their own legal compliance.
7. Before entering into federally funded vendor contracts for goods and services that equal or exceed twenty-five thousand dollars (\$25,000) and any subcontract award, the ESD 105 will ensure the vendor is not suspended or debarred from participating in federal assistance programs.
8. No employee, officer or agent of the ESD 105 may participate in the selection, award or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest. Such a conflict may arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer or agent of the ESD 105 may solicit or accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. Exceptions may be made with the approval of the Superintendent for situations in which the gift is an unsolicited item of nominal value. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

Board Approved: 05.24.2022

## **5500 CREDIT CARDS**

The Board shall approve any contract for the issuance of credit cards, including the credit limit. The Superintendent or his/her designee is responsible for the authorization and control of the use of credit card funds, subject to final Board approval of payments.

The Superintendent shall establish procedures for the issuance and use of credit cards.

Legal References: RCW 42.24.115 Municipal corporations and political subdivisions--Issuance of charge cards to officers and employees for travel expenses  
RCW 43.09.2855 Local governments--Use of credit card

Approved by ESD 105 Board  
August 24, 2021

## **5500P CREDIT CARDS**

Credit cards shall be issued to authorized individual staff members to purchase goods and services in amounts not to exceed statutory limits without competitive bids. Credit cards may also be issued for authorized district travel.

The following procedures shall be followed:

1. Each authorized employee shall execute a Credit Card Cardholder Agreement. Each authorized employee must agree to the terms and sign the Agreement.
2. The Superintendent or his/her designee shall establish a monetary limit of authority for each employee's use of the credit card.
3. The Superintendent or his/her designee shall establish the authorized use (purchasing goods, authorized travel, etc.) for each employee's use of the credit card.
4. Upon receipt and use of credit card, the cardholder shall submit itemized receipts and such information as periodically requested by the Superintendent or his/her designee. Any charges not properly identified or not allowed following a review by the auditing officer shall be paid by the employee. If, for any reason, disallowed charges are not repaid within 30 days of notification of the disallowed charges to the staff member, Educational Service District shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the staff member up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the credit card. Any staff member who has failed to submit credit card expenses properly or has any disallowed charges outstanding shall not use the card if any disallowed charges are outstanding.
5. Educational Service District shall have unlimited authority to revoke the use of any credit card issued to any staff member.

## **5600 USE OF ESD 105 FACILITIES**

The facilities of ESD 105 are intended primarily for the educational service district and its member school districts. However, ESD 105 facilities have been acquired with public funds and may be made available for use by outside organizations under limited circumstances. Outside organizations using ESD 105 facilities shall be expected to reimburse the ESD for such use to insure that funds intended for education are not used for other purposes.

The Superintendent is authorized to establish regulations for the use of ESD 105 facilities, including use categories, fee schedules, supervisory requirements and use restrictions and security requirements. Those using ESD105 facilities shall maintain insurance for accident and liability covering persons using the EDS's facilities under the sponsorship of the organization.

All ESD 105 sponsored activities will have first priority of ESD 105 facilities. All ESD 105 staff are expected to ensure that the facilities are properly utilized and secured. Second priority for use of ESD105 facilities will be made to outside groups and organizations under the regulations established by the Superintendent.

Authorization for use of ESD 105 facilities shall not be considered an endorsement of or approval of the activity group or organization nor for the purpose it represents.

The intent of this policy is to provide a service to the community but not to compete with local business establishments. Therefore, ESD 105 reserves the right to reject any application when it believes it would be more appropriate for a group to utilize a commercial facility or when it deems such action is in the best interests of ESD 105.

Legal References:     AGO 1973 No. 26  
                           RCW 28A.310.180  
                           RCW 28A.310.210  
                           RCW 28A.335.150  
                           RCW 28A.320.510

## 5600-P Use of Facilities

### Application

Application for use of ESD 105 facilities shall be made to the ESD 105 conference center scheduler in the fiscal office. The processing of such applications must include the notification and involvement of the responsible site administrator, or designee. When requests are received by site administrators, they will coordinate the use through the ESD 105 fiscal office.

All external groups requesting use of ESD 105 facilities must complete and submit a written *Application for Use of Facilities (Form 5600-F1)* at least ten (10) days in advance of the desired use date.

### Scheduling:

The conference center scheduler has primary responsibility for reserving conference rooms for outside agencies. The K-20 scheduler is responsible to reserve the Columbia Room and the Computer Lab. The primary use of the Columbia Room is for K-20 video-conferences, however, other meetings may be scheduled when necessary.

In the scheduling of events, every effort shall be made to avoid conflicts. However, it shall be understood that ESD 105 sponsored activities retain priority in the event of a scheduling conflict. The establishing of ESD 105 as first priority shall be intended to establish priority for rooms not previously scheduled. It shall not be intended to "bump" an external group from a facility use that was properly scheduled and approved in advance. If a scheduling conflict does occur in error, ESD 105 will retain priority and every effort will be made to accommodate the external group with a similar room accommodation. If a cancellation of the facility use by an external group results, provision shall be made for a "makeup" if practical and desired.

ESD 105 reserves the right to reject any application when it believes it would be more appropriate for a group to utilize a commercial facility or when it deems such action is in the best interests of ESD 105. Refunds will be made of any unused portion of payment. Facilities will not be made available for any use which might result in undue damage or wear.

ESD 105 reserves the right to modify its policies regarding use of facilities at any time.

### User Groups:

Users of ESD 105 facilities shall be separated into one of three (3) categories: ESD Sponsored Activity, External Government/Non-Profit or Community Group and External for-Profit.

**ESD Sponsored Activity**-ESD 105 may make available its facilities on a no charge basis to groups affiliated with ESD 105 or its statutory function; provided that such uses occur during normal business hours or when custodial staff is on regular duty and/or no additional costs are incurred by the ESD 105.

ESD 105 may also make available its facilities on a cost reimbursement basis for ESD 105 sponsored activities if such use occurs at a time when custodial staff is not on regular duty and/or additional costs are incurred by the ESD 105.



An ESD sponsored activity must be sponsored by an ESD employee who will either attend the event or be available for the entire duration of the event for supervision, oversight and security. In addition, the employee sponsor shall be responsible for hosting the group (e.g., room setup, coffee service, equipment, Clock Hours, registration, and cleanup).

**External Government /Non-Profit or Community Group-** ESD 105 may make its facilities available, on a reduced fee basis, to governmental/municipal organizations and nonprofit community/charitable groups that are not affiliated with ESD 105.

**External for-Profit-** ESD 105 may make its facilities available, on a limited basis, upon payment of a user fee for uses occurring when 1) admission is charged for an event, or 2) the use is for non-educational related activities of a commercial, entertainment, recreational or religious services nature.

**Schedule of Charges:**

1. Rooms will be rented for half days (4 hours or less) or full days (more than 4 hours).
2. Rental fees are as follows (Rental fees may be reduced or waived for justifiable cause to be determined by the Superintendent.)

Room	ESD Sponsored- Normal Business Hours	ESD Sponsored and costs incurred	External Govmt./ Non-Profit/ Community Use		External For-Profit	
			4 hours	4 or more hours	4 hours	4 or more hours
Ahtanum	No charge	Cost Reimb.	\$100.00	\$200.00	\$200.00	\$400.00
Columbia with K-20	No charge	Cost Reimb.	\$200.00	\$400.00	Not Available	
Columbia(room only)	No charge	Cost Reimb.	\$50.00	\$100.00	\$100.00	\$200.00
Computer Lab	No charge	Cost Reimb.	\$200.00	\$400.00	\$400.00	\$800.00
Grant	No charge	Cost Reimb.	\$50.00	\$100.00	\$100.00	\$200.00
Kittitas	No charge	Cost Reimb.	\$50.00	\$100.00	\$100.00	\$200.00
Klickitat	No charge	Cost Reimb.	\$50.00	\$100.00	\$100.00	\$200.00
Satus	No charge	Cost Reimb.	Not Available			
Yakima	No charge	Cost Reimb.	\$75.00	\$150.00	\$150.00	\$300.00
Nile	No charge	Cost Reimb.	Not Available			

Other Services	ESD Sponsored-Normal Business Hours	ESD Sponsored and costs incurred	External Govmt./ Non-Profit/ Community Use		External For-Profit	
Technology Staff	No charge	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.
Custodial Staff	No charge	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.	\$50.00 hr.

**Rental Payments:**

1. Rental fees must be paid or confirmed at least five (5) working days in advance of the scheduled meeting/activity. Room reservations will not be held until receipt of a purchase order or cash payment. All reimbursement of costs shall be paid within twenty (20) days of the billing date.
2. Any activity that requires the use of ESD 105 equipment or other special needs must be arranged for at the time the application is signed at the ESD 105 administration office and shall be subject to prior written approval and payment of any equipment use fee.

**Refunds:**

1. No refunds will be made unless cancellation is confirmed within three (3) working days (72 hrs) of the scheduled meeting/event.

**Supervision:**

Any after-hour or weekend use of conference rooms sponsored by an ESD staff member requires that the staff member either participates in the event or agrees to provide supervision, oversight and security.

External organizations shall provide sufficient, competent adult supervision. When the facilities are used during non-program hours, the adult supervisor must always be responsible to unlock and secure the facility.

1. The user, the individual signing the *Application for Facility Use(From 5600-F1)*, or the assigned adult shall be onsite and in possession of the loaned key(s) at all times.
2. ESD 105 reserves the right to require a paid ESD 105 employee to be onsite during the use of the facility or equipment. In such cases, the user shall be responsible for said employee's wages.

**Custodial:**

An ESD 105 custodian's presence may be required when any group is using a facility outside of normal business or custodial hours. The user will be required to pay any custodial costs. Room(s) will be left clean: 1) counters and tables wiped off and 2) floors swept/mopped and carpet vacuumed/spills removed. All users are expected to restore the room to their original condition upon departure.

**Restrictions:**

1. Alcoholic beverages, marijuana and/or illegal drugs shall not be permitted in ESD 105 facilities or on program property at any time. Pursuant to state law, the use of tobacco products is not permitted on ESD 105 grounds or in program sites.
2. Parking shall be in designated areas only, or vehicles will be subject to being impounded at owner's expense.
3. Hanging decorations or scenery, or moving furniture, is prohibited unless special permission is granted by the site administrator.
4. Nothing will be sold, given, exhibited, or displayed without the permission of the site administrator.

### **Interactive Teleconferences:**

1. The K-20 Interactive Teleconference equipment may only be used by Washington State public educational agencies and public libraries.
2. An additional fee of \$50.00 per hour during normal working hours and \$75.00 per hour after hours or weekends will be charged when the ESD provides a trained operator.

### **Liability and Damages:**

All applicants for use of ESD 105 facilities shall indemnify and hold the ESD 105 harmless from any loss or damage (including attorney fees), liability or expense that may arise during or be caused in any way by such use or occupancy of ESD 105 facilities. Any group using or occupying the facilities during the time any property loss or damage is sustained shall be liable and responsible for the full amount of such loss or damage. Applicants must provide, upon request, proof of comprehensive general liability insurance coverage for both bodily injury and property damage. The individual (or group) securing a use permit shall be responsible for and shall indemnify ESD 105 against any loss, damage or injury done to ESD 105 property.

### **Key and Cleaning Charges:**

1. A key deposit of \$50 may be required before any key is issued by the ESD 105 administration office or site. The key must be returned the day after use. Individuals who do not return keys shall be responsible for the cost of rekeying the entire site used.
2. There will be an additional \$100 charge billed to the user if the room requires special cleaning.

### **Complaints:**

ESD 105 facilities shall not be used for obscure and controversial purposes and purposes of a disruptive nature. Should an objection be lodged against a specific use of ESD 105 facilities by any group, such objection is only valid if it is made in writing to the Superintendent and signed by the individual and/or group of individuals lodging the complaint. At such time as such valid complaint is lodged, the following shall apply:

1. The Superintendent may suspend use of the facilities temporarily to afford sufficient time to meet with the concerned parties for the purposes of a hearing. The applicant shall be duly notified in time to contact the members of the group regarding the temporary suspension of use and the pending hearing.
2. The Superintendent shall make the decision regarding use after hearing the complaint. An appeal of the Superintendent's decision may be made at the next regularly scheduled Board meeting. The Board's decision shall be final. A written copy of the decision may be obtained, upon the applicant's request.

**5600-F1 Application for Use**

Page 1 of 2

**APPLICATION FOR USE OF FACILITIES**

1. Application on behalf of (name of organization or individual) \_\_\_\_\_

- To use:  Ahtanum Room (75 )  Columbia Room (16)  
(capacity of room  Computer Lab (20-25)  Grant (20)  
in parenthesis)  Kittitas Room (35-40)  Klickitat Room (35-40)  
 Yakima Room (50)  Other \_\_\_\_\_

Estimated number of people in attendance \_\_\_\_\_ User Category (see Fee Schedule) \_\_\_\_\_

2. Check one:  
 Single Meeting  
 Series of Meetings

Day(s) of the week	Date(s)
Hours (circle am or pm, as appropriate) Beginning time _____ am / pm	Ending time _____ am / pm

*Please be sure to include any and all requested times for set up and/or clean-up of the facility.*

3. Purpose of use \_\_\_\_\_

4. Special conditions \_\_\_\_\_

5. Permission to bring into program site \_\_\_\_\_

6. Admission charge of \_\_\_\_\_ for adults, and \_\_\_\_\_ for children to be made, the proceeds to be used for \_\_\_\_\_

7. Services/equipment required \_\_\_\_\_

Auxiliary fee assessed for (check all that apply):

- Room set up  Technical assistance  
 Event supervisor  Video conference set up  
 Custodial (fees may be waived during normal working hours, provided the room is left clean)  Laptop computer  
 HVAC (outside of normal operation hours)

8. The supervision of the persons attending will be done by \_\_\_\_\_

9. The undersigned who is to be in charge of the activities is at least twenty one (21) years of age or over. He/she agrees:

- 1) He/she is financially responsible to the ESD 105 for the use of and care of the facility/equipment.
- 2) The character of the activity will conform with the description in the application.
- 3) The rules and regulations concerning the use of ESD 105 facilities are included in the ESD 105 Policy 5600 and Procedure 5600P. The applicant acknowledges that he/she was provided a copy of both Policy 5600 and Procedure 5600P. These rules and regulations are understood, accepted, and will be observed by his/her organization and he/she fully accepts responsibility for each item listed.
- 4) By signing below, applicant agrees to protect, indemnify, and hold harmless the ESD 105, its elected and appointed officials, employees, agents, and staff from any and all claims, liabilities, damages, expenses, or rights of action, directly or indirectly attributable to the User's activities and/or use of premises in connection with this agreement.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Phone \_\_\_\_\_ Alt. Phone \_\_\_\_\_ Fax \_\_\_\_\_

10. Approved by \_\_\_\_\_ Date \_\_\_\_\_

11. Fee for use of facilities is \_\_\_\_\_

Comments/restrictions: \_\_\_\_\_

*Fees are an estimate based upon information given prior to use of the facility. Additional charges may result after use of facility. Any damages sustained to the facility during use will be the responsibility of the renting organization.*

## **5700 ALLOWABLE COSTS FOR FEDERAL PROGRAMS**

Expenditures under federal programs are governed by the Federal cost principles contained in 2 CFR Part 200 Subpart E – Cost Principles. ESD105 is committed to ensuring that costs claimed under Federal awards follow these cost principles as well as any special terms and conditions contained in the award. Additionally, grantees are required to follow the more restrictive of the federal, state, and district policies.

When applying these cost principles, ESD105 agrees to:

- Maintain responsibility for the efficient and effective administration of the Federal award through the application of sound management practices.
- Assume responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives and the terms and conditions of the federal award.
- Apply accounting practices that are consistent with the cost principles, support the accumulation of costs as required by the principles, and provide for adequate documentation to support costs charged to the federal award.

ESD105 will maintain a system of internal controls over federal expenditures to provide reasonable assurance that Federal awards are expended only for allowable activities and that the costs of goods and services charged to Federal awards are allowable and in accordance with the above referenced cost principles. Those controls will meet the following general criteria:

- Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of ESD105.
- Be accorded consistent treatment.
- Be determined in accordance with generally accepted accounting principles.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.
- Be adequately documented.

Cross References: 5000-Business Expenses  
5800- Federal Cash and Financial Management

Legal References: 2 CFR Part 200, Subpart E

Board Approved: 8/16/16

## 5700-P Allowable Costs for Federal Programs - Procedures

These procedures are to ensure federal funds are spent on only allowable activities in accordance with CFR Part 200 Subpart E – Cost Principles, other special terms or conditions of the grant award, and/or other pertinent state and federal guidelines. In determining allowable costs, ESD105 will use the guiding principles as established in the Allowable Costs Policy (5700).

There are two categories of costs that may be charged to a Federal award. The first are direct costs, which are costs that directly benefit the activity and are easy to identify. The second are indirect costs, which are costs that either benefit the activity in an indirect manner, or directly benefit the activity but the complexity of adequately identifying the costs in such a manner outweigh the benefit of charging them directly. Both are addressed in these procedures. The procedures also address the timing of transactions that can be disbursed against the current grant award.

To meet the requirements of necessary and reasonable, the cost will not exceed that which would be incurred by a prudent person under the circumstances at the time the decision was made to incur the cost. The following questions will be considered when determining reasonable and necessary:

- Do we really need this?
- Is the expense targeted to valid programmatic/administrative need?
- Is this the minimum amount we need to spend to meet our needs?
- Do we have the capacity to use what we are purchasing?
- If we were asked to defend this purchase, would we be able to?
- Did we pay a fair rate?

To meet the requirement of allocable, ESD105 will have a cost recovery plan for allocating costs charged to the program.

### Period of Performance

Federal funds may be obligated on the later of the date funds become available or the submission date of the grant application, either in full form, or “Substantially Approvable Status (SAS)”, depending on the terms of the Federal award.

Federal funds may not be expended subsequent to the end date of the grant except to liquidate allowable obligations that were made on or before that date. All liquidations of prior obligations must be made within 90 days of the grant end-date, or an earlier date established by the granting agency.

The following table indicates the date that an expenditure is determined to be obligated:

IF THE OBLIGATION IS FOR	THE OBLIGATION WAS MADE
Acquisition of real or personal property	On the date on which ESD105 makes a binding written commitment to acquire the property
Personal services by an employee of ESD105	When the services are performed
Personal services by a contractor who is not an employee of ESD105	On the date on which ESD105 makes a binding written commitment to obtain the services

Performance of work other than personal services	On the date on which ESD105 makes a binding written commitment to obtain the work
Public utility services	When ESD105 receives the services
Travel	When the travel is taken
Rental of real or personal property	When ESD105 uses the property

### **Direct Costs**

Expenditures charged directly to a federal grant award will follow all ESD105 policies and procedures as well as federal requirements applicable to those costs, including, but not limited to; procurement requirements, property standards, travel policies, and cost criteria established by 2 CFR Part 200, Subsection E, as identified in the allowable cost policy. Additionally, all direct expenditures will be allowable under the terms of the grant award and program regulations.

Requirements followed will be the more restrictive of the local, state, or federal regulations associated with a particular type of expenditure.

Staff responsible for reviewing expenditures for allowability will be familiar with the allowable costs of all programs reviewed.

Staff responsible for budget and expenditure monitoring will be responsible for ensuring all charges are reviewed by appropriate staff for allowability.

Prior approvals of expenditures, as stated in 2 CFR, Part 200 and the grant award terms, will be obtained prior to the expenditure being obligated.

Expenditures will be supported by adequate documentation including all pertinent details that assists in determining the item was allowable.

### **Indirect Costs**

Federal grant awards will include an amount of indirect expenditures that ESD105 is entitled to for organization wide costs of the grantee that benefit the federal program being administered by ESD105, unless specifically disallowed by the terms of the grant award.

Indirect rates are negotiated by the Office of Superintendent of Public Instruction (OSPI), the ESD105's cognizant, and can be applied to all Federal awards ESD105 receives.

There are two types of federal indirect costs. A "***restricted rate***" is used for any federal program that has a "supplement, not supplant" requirement, which means the federal money is used to supplement the amount of money that ESD105 has to spend on a particular program, and not "in place of" state/local funds. An "***unrestricted rate***" is used for programs that do not have a "supplement, not supplant" requirement.

ESD105 is not required to claim any or all of the indirect amount they are entitled to, but may claim up to the full amount. The indirect rate may be applied to all allowable direct expenditures that will be claimed under a particular grant award.

No expenditures will be charged as both a direct cost and an indirect cost.

## **5800 FEDERAL CASH AND FINANCIAL MANAGEMENT**

ESD105's financial management system and records are sufficient for preparing required reports and for tracing expenditures to a level that establishes funds have been used according to federal statutes, regulations, and the terms and conditions of the federal award. This is in addition to maintaining a system of funds and accounts in accordance with state law and the accounting manual for Educational Service Districts.

ESD105's financial management system will:

- Identify all federal awards received and expended, including specific information pertaining to the award: federal program name; CFDA title and number; identification number and year; and name of federal and any pass-through agency.
- Provide for accurate, current, and complete disclosure of the results of each federal award in accordance with reporting requirements.
- Include records and supporting documentation that identify the source and application of funds for federally funded activities, including authorizations, obligations, unobligated balances, expenditures, assets, income and interest.
- Enable ESD105 to maintain effective internal controls to ensure accountability and proper safeguarding and use of all funds, property and other assets (for example, adequate segregation of duties).
- Provide a comparison of expenditures with budget amounts for each federal award.

The financial management system will also include written procedures for 1) implementing cash management requirements (included with this policy); and 2) determining the allowability of costs in accordance with Cost Principles and the federal award terms and conditions (refer to Policy 5700).

Cross References: 5700 – Allowable Costs for Federal Programs

Legal References: Code of Federal Regulations (CFR), Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements*, Sections §200.302 and §200.305  
Cash Management Improvement Act of 1990

Board Approved: 8/16/16



## **5800-P Procedure Federal Cash and Financial Management**

ESD105 may draw federal funds using a reimbursement or advance payment method.

### **Reimbursement Payment Method**

For reimbursements of federal funds, ESD105 will:

- A. Monitor the fiscal activity (payments and reimbursements) under each grant on a continuous basis, and request timely reimbursement only for expenditures that have already been disbursed and comply with all applicable award requirements.
- B. Maintain source documentation/accounting records that reconcile to the reimbursement request at a level adequate to establish that funds have not been used in violation of any applicable statutory restrictions or prohibitions.
- C. If ESD105 transfers expenditures previously charged to a federal award for which reimbursement has been claimed to a non-federal fund source, ESD105 will calculate the interest earned on the federal funds pursuant to possible submittal - refer to Interest Earned section below.

### **Advance Payment Method**

For advances of federal funds, ESD105 will:

- A. Monitor the fiscal activity (drawdowns and payments) under each grant on a continuous basis and maintain source documentation/accounting records at a level adequate to establish that funds have not been used in violation of any applicable statutory restrictions or prohibitions.
- B. To the extent available, disburse funds available from program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- C. Plan for cash flow in the grant project during the budget period and review project cash requirements before each drawdown.
- D. Draw down only the amount of funds necessary to meet the immediate needs of the program/project (including the proportionate share of any allowable indirect costs), and minimize the time between receiving and disbursing those funds.
- E. Pay out federal funds for expenditures that comply with all applicable grant requirements as soon as administratively feasible (a rule of thumb is no more than three business days after receiving the funds).
- F. Deposit advance payments into insured accounts whenever possible. Unless conditions listed in CFR Title 2 Part 200 Subpart D §200.305(b)(8) apply, ESD105 will maintain advance payments in interest-bearing accounts.
- G. Remit interest earned over \$500 annually – refer to Interest Earned section below.

### **Interest Earned**

- A. ESD105 will retain interest earned amounts up to \$500 per year for administrative expenses.
- B. Any additional interest earned on those funds will be remitted annually to the Department of Health and Human Services (HHS) Payment Management System (PMS) through an electronic medium or by check to the HHS Program Support Center. ESD105 will refer to the federal or pass-through agency for pertinent information about the remittance.

## 5900 Financial Management

### Capital Assets

Educational Service District 105 shall establish and maintain standard procedures for capitalizing fixed assets and facilitating the identification, reporting and safeguarding of assets in compliance with generally accepted accounting principles and the Accounting Manual for Educational Service Districts.

In compliance with generally accepted accounting principles, fixed assets are defined as any capital purchase, dedication of land, buildings, improvements, equipment, and/or software. The ESD shall capitalize costs when such cost exceeds the ESD's capitalization threshold of \$25,000 for a single acquisition and the asset has an expected useful life of more than five years. Depreciation will be recorded on all depreciable capital assets on a straight-line basis over the following estimated useful lives, based on the month placed in service:

- Vehicles 5 years
- Building and structures 30 years
- Land improvements 15 years

### Leases and Subscription-Based Information Technology Arrangements (SBITAs)

The Educational Service District Board of Directors acknowledges that the Governmental Accounting Standards Board (GASB) has issued Statements 87 and 96, covering Leases and Subscription-Based Information Technology Arrangements (SBITAs). Within the guidelines of these Statements, the ESD may establish a liability threshold for reporting either a lease or a SBITA that are considered to be *de minimis* when compared to the district's financial capacity. These leases or SBITAs must have a maximum possible term of greater than one year to be included.

For the purpose of this policy, the following definitions are used, in accordance with the Statements referenced above:

1. A *lease* is a contract which conveys control of the right to use another entity's nonfinancial asset for the time specified in the contract for an exchange or exchange like transaction.
2. A *subscription-based information technology arrangement (SBITA)* is a contract that conveys the right to use another entity's software, alone or in combination with tangible capital assets, for the time specified in the contract for an exchange or exchange-like transaction. Software that is insignificant to the cost of the underlying asset is excluded.

The value of leases or SBITAs under this policy will be determined using the methodology outlined in the original Statements and current accepted industry practice. Each lease or SBITA will be considered individually.

For capitalization purposes, those leases or SBITAs with a value that equals or exceeds \$25,000 and has a maximum possible term in excess of one year will be capitalized and recorded as a liability on the district's financial statements in accordance with the Statements referenced above. Any lease or SBITA that does not meet this threshold, or which has a maximum term of less than one year, will not be reported as a liability on the district's financial statements.

Board Approved: 12.19.2023

## **6000 LEAVES**

### **6100 Holidays**

6110

The Educational Service District observes the following holidays:

- January 1 – New Year's Day
- 3rd Monday of January – Martin Luther King Day
- 3rd Monday of February – Washington's Birthday
- Last Monday of May – Memorial Day
- June 19 “Juneteenth” – Freedom/Emancipation Day
- July 4 – Independence Day
- 1st Monday of September – Labor Day
- November 11 – Veterans' Day
- 4th Thursday of November – Thanksgiving Day
- 4th Friday of November – Day after Thanksgiving
- December 24 – Christmas Eve
- December 25 – Christmas Day
- December 31 – New Year’s Eve
- Floating Holiday – Employee Selection

6120

If a holiday falls on a Sunday, the following Monday is the holiday. If it falls on a Saturday, the preceding Friday is the holiday. The floating holiday is selected by each staff member after consultation with his/her immediate supervisor. Staff members must be employed prior to June 1st to be awarded the Floating Holiday in their first year of employment. To permit the Educational Service District office to operate on a holiday occurring on a day when school districts are holding classes, staff members may be required to work that day but will be given the option to take off another day approved by their immediate supervisor.

6130

Holidays with pay are provided for all exempt and non-exempt staff members, except those who work on a calendar day basis (specific number of days).

6140

Holidays for staff members whose regularly scheduled employment is less than eight (8) hours per day shall receive pay for the holiday based on their regularly scheduled basis. Staff who do not have a scheduled number of hours shall receive the average total number of hours worked the day before and the day after each holiday. If the staff member does not work on the day before and the day after the holiday period he or she is not eligible for a paid holiday.

6150

Holidays with pay are provided for early learning center staff members who are paid on an hourly basis.

Revised : 03/28/2023

Board Approved: 04/25/2023

## **6200 Annual Leave**

6210

All staff members, except calendar day or itinerant staff, working less than 260 days, accrue annual/vacation leave.

6220

Employees employed on the 15th of the month or before accrue annual leave for that month. No annual leave is accrued for the month if employed after the 15th of the month. Employees terminating employment or retiring on or before the 15th of the month do not accrue annual leave for the month. Annual leave is accrued upon termination of employment or retirement after the 15th of the month.

6230

Annual leave accrual is based on eight (8) hours a day for 260 days annually. Staff working less than eight (8) hours a day or less than twelve (12) months, will receive a pro rata share of their vacation accrual.

6235

Annual leave benefits that would accrue over a 12-month period for all 260 day employees will be “front loaded” at the beginning of their contract year.

Employees eligible for annual leave benefits hired after the beginning of the position’s normal contract year will receive “front-loaded” annual leave based on the pro rata amount that would accrue to them according to policy.

Employees can take no more than 10 consecutive annual leave days for vacation purposes. Any request beyond the 10 consecutive day limit requires prior approval from the superintendent before leave is taken.

If an employee separates or retires from employment with ESD 105, any annual leave that has been used and not accrued/earned will be deducted from the balance of the employee’s final pay.

Upon separation or retirement an employee can only cash out a maximum of 30 days of annual leave.

Unused annual leave may be carried over from August 31<sup>st</sup> to September 1<sup>st</sup> annually so long as the accumulative annual leave carried over does not exceed thirty (30) days unless otherwise approved by the Superintendent. Employees shall be allowed to carry an annual leave balance on September 1<sup>st</sup> of thirty (30) days plus their front-loaded annual leave accrual.

6240

Exempt staff accrue annual leave with pay at the rate of two (2) days per month.

6241

Exempt staff hired after July 1, 2023 who are part of the Information Service Center Collaborative and work Remotely accrue leave at a rate of 1.66 days per month (20 days annually).

6250

Non-exempt staff members, including early learning center staff members, accrue annual leave with pay according to the following schedule:

- a) During the 1<sup>st</sup> year of continuous employment – 14 days
- b) During the 2<sup>nd</sup> year of continuous employment – 15 days
- c) During the 3<sup>rd</sup> year of continuous employment – 16 days
- d) During the 4<sup>th</sup> year of continuous employment – 17 days
- e) During the 5<sup>th</sup> year of continuous employment – 18 days
- f) During the 6<sup>th</sup> year of continuous employment – 19 days
- g) During the 7<sup>th</sup> year of continuous employment – 20 days
- h) During the 8<sup>th</sup> through 11<sup>th</sup> years of continuous employment – 21 days
- i) During the 12<sup>th</sup> through 15<sup>th</sup> years of continuous employment – 22 days
- j) During the 16<sup>th</sup> and years thereafter of continuous employment – 24 days

Each non-exempt staff member's anniversary date for purposes of accrual of annual leave is the first calendar day of the month following the date of original employment with the Educational Service District.

Exempt staff positions moved to non-exempt status due to Washington State's exempt salary threshold requirements with less than six years of service will be placed on "F" of the annual leave accrual schedule (19 days) until service years are achieved for leave accrual increase per schedule.

6270

Staff members are entitled to payment for unused or accrued annual leave up to a maximum of 30 days upon termination, retirement or death. Daily rate of compensation for this purpose shall be the annual salary divided by 222 days for full time employees (12-month employees). For employees working less than full time, the rate shall be calculated by dividing the annual salary by the number of days contracted, less holidays and annual vacation accrual if included in the contracted days.

Board Approved: 09.26.2023

## 6300 Sick Leave

### 6310

Regular staff members accrue sick leave at the rate of one (1) day per month. Sick leave accrues to all staff members, including early learning center staff members, based on the average number of hours per day of regularly scheduled ESD 105 employment and the number of months of scheduled employment per year.

### 6320

Regular employees employed after the 15th of the month will accrue a half-day of sick leave for the first month of employment. Employees terminating employment or retiring on or before the 15th of the month accrue a half-day of sick leave for the month.

### 6330

Sick leave is paid on the basis of the average number of hours per day of regularly scheduled Educational Service District employment.

### 6335

At the beginning of each fiscal year employees eligible for sick leave shall have their annual amount of accrued sick leave “front loaded”.

Employees eligible for sick leave benefits hired after September 1st will receive “front loaded” leave based on the pro rata amount that would accrue to them according to policy through August 31<sup>st</sup>.

If an employee separates or retires from employment with ESD 105, any sick leave that has been used and not accrued/earned will be deducted from the balance of the employee’s final pay.

### 6340

Sick leave shall be allowed for any of the following reasons:

- Personal doctor or dental appointments;
- Incapacitating personal illness or injury;
- Employee disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and the recovery therefrom;
- Quarantine of employee's residence because of contagious disease;
- Contagious diseases;
- In addition, staff may choose to use sick leave to care for:
  - ◆ a child with a health condition that requires treatment or supervision.
  - ◆ a spouse, a sibling, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition.
- an individual who is jointly responsible for the common welfare and financial obligations of the same household who has a serious health condition or an emergency condition.
- When the staff members’ workplace or children’s school or place of care has been closed by a public official for any health related reason.
- For absences that qualify for leave under the Washington State Domestic Violence Leave Act.

## 6345 Definitions

- “Spouse” means a husband or wife of the employee.
- A registered domestic partner.
- “Child” means a biological, adopted, or foster child, stepchild, grandchild, or a child to who the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.
- “Grandparent” means a parent of a parent of the employee.
- “Parent” means a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- “Parent-in-Law” means a parent of the spouse of an employee.

## 6350

Unused sick leave is accumulative. Upon employment, accrued sick leave is transferred in accordance with RCW 28A.400.300.

## 6360

The superintendent may request a written physician's statement for any staff member claiming sick leave in excess of five (5) consecutive working days.

## 6370

Any staff member claiming sick leave in excess of thirty (30) work days for post-childbirth reasons must submit a written physician's statement which recommends the additional leave on the basis of medical necessity and estimate the approximate date the employee shall be recovered sufficiently to return to work.

## 6380

WAC 392-136-015 Annual Conversion of Accumulated Sick Leave

- 1) Commencing in January 1981, and each January thereafter, each eligible, current employee of a school district and educational service district may elect to convert excess sick leave to monetary compensation as provided in this section.
- 2) Eligible employees' excess sick leave and the conversion of excess sick leave to monetary compensation shall be determined as follows:
  - a. Eligible Employees: In order to be eligible to convert excess sick leave days to monetary compensation, an employee:
    - (i) Shall be an employee of an educational service district or an employee of a school district that has adopted an attendance incentive program covering such employee pursuant to WAC 392-136-065;
    - (ii) Shall have accumulated in excess of sixty (60) full days of unused sick leave at a rate of accumulation no greater than one (1) full day per month (a maximum of 12 days per year) as of the end of the previous calendar year; and
    - (iii) Shall provide written notice to his or her employer during the month of January of his or her intent to convert excess sick leave days to monetary compensation.
  - b. Excess Sick Leave: The number of sick leave days which an eligible employee may convert shall be determined by:
    - (i) Taking the number of sick leave days in excess of sixty (60) full days that were accumulated by the employee during the previous calendar year at a rate of accumulation no greater than one (1) full

day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of 12 days per year); Subtracting therefrom the number of sick leave days used by the employee during the previous calendar year. The remainder, if positive, shall constitute the number of sick leave days which may be converted to monetary compensation.

- c. Rate of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five (25) percent of an employee's current, full-time daily rate of compensation for each full day of eligible sick leave.
  - d. Partial days of eligible sick leave shall be converted on a pro rata basis.
- 3) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.
  - 4) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

6390

#### WAC 392-136-020 Conversion of Sick Leave Upon Retirement or Death

- (1) Eligible Employees: Each eligible employee who is employed by a school district or educational service district as of June 12, 1980 or thereafter, and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section. In order to receive reimbursement for unused sick leave, pursuant to this chapter, at the time of separation from a school or educational service district employment due to retirement, an employee must have separated from such employment and have been granted a retirement allowance under the laws of governing the teachers' retirement system or the public employees' retirement system, whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment: PROVIDED, That the maximum number of days that may be converted pursuant to this section...shall be 180 days.
- (2) Eligible Sick Leave Days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one (1) full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve [12] days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.
- (3) Rate of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five (25) percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.
- (4) Deduction of Converted Days: All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.
- (5) Exclusion From Retirement Allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.



6390

A Compensation for Sick Leave Conversion: Daily rate of compensation for this purpose shall be the annual salary divided by 223 days for full time employees (12-month employees). For employees working less than full time, the rate shall be calculated by dividing the annual salary by the number of days contracted, less holidays and annual vacation accrual if included in contracted days.

Legal References:

RCW 49.4.200 Paid sick leave

RCW 49.46.210 Paid sick leave –Authorized purposes-Limitations –“Family member” defined

RCW 28A.400.210 Employee attendance incentive program – Remuneration or benefit plan for unused sick leave

RCW 28A.400.300 Hiring and discharging of employees – Written leave policies – seniority and leave benefits, of employees transferring between school districts and other educational employers

Chapter 392-136 WAC Finance – Conversion of Accumulated Sick Leave

Rev. 2/15/18, 2/28/18

Board Approved: 3/27/18

## 6395 Additional Paid Sick Leave Provisions

Non-exempt staff working as a part-time, seasonal, temporary, substitute, or interim employees not accruing sick leave under policy 6300 shall accrue leave as covered by the sick leave provisions of RCW 49.46.210 and Chapter 296-128 WAC beginning January 1, 2018.

In general, the sick leave benefits provided under RCW 28A.400.300 are more generous than those required by RCW 49.46.210 and Chapter 296-128 WAC. Below, however, there are some of the rights that nonexempt staff members are entitled to under RCW 49.46.210 and Chapter 296-128 WAC:

1. Nonexempt staff members will accrue at least one hour of paid sick leave for every forty hours worked. The accrual year for this leave will be ESD 105's fiscal year of September 1<sup>st</sup> through August 31<sup>s</sup>.
2. Nonexempt staff members are entitled to use their accrued paid sick leave beginning on the ninetieth (90) calendar day after the commencement of their employment. Payment for leave shall be at their normal rate of pay.
3. Nonexempt staff members may use paid sick leave for the following reasons:
  - a) To care for themselves or their family members;  
For the purpose of this section, "family member" means any of the following:
    - A child, including a biological, adopted, or foster child, stepchild, or a child to who the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
    - A biological adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
    - A spouse;
    - A registered domestic partner;
    - A grandparent;
    - A grandchild; or
    - A sibling.
  - b) When the staff members' workplace or children's school or place of care has been closed by a public official for any health related reason;
  - c) For absences that qualify for leave under the Washington State Domestic Violence Leave Act.
4. Nonexempt staff members are permitted to carry over up to forty hours of unused paid sick leave to the following year. Any unused leave in excess of forty hours as of August 31<sup>st</sup> will be lost.
5. Retaliation against a nonexempt staff member for lawful exercise of paid sick leave rights is prohibited.

## Reasonable Notice for the Use of Paid Sick Leave

Nonexempt staff members must provide reasonable advance notice of an absence from work for the use of paid sick leave to care for themselves or a family member. Provide such reasonable notice to their supervisor. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to their supervisor at least 10 days, or as early as possible, before the first day paid sick leave is used. If a nonexempt staff member's absence is unforeseeable, the staff member must contact their supervisor as soon as possible.

A nonexempt staff member must give advance oral or written notice to their supervisor as soon as possible for the foreseeable use of paid sick leave to address issues related to the staff member or the staff member's family member being a victim of domestic violence, sexual assault, or stalking. If a nonexempt staff member is unable to give advance notice because of an emergent or unforeseen circumstance related to the staff member or the staff member's family member being a victim of domestic violence, sexual assault, or stalking, the staff member or a designee must give oral or written notice to their supervisor no later than the end of the first day that the staff member takes such leave.

Upon the staff member's termination, resignation, retirement or other separation from employment any unused paid sick leave will not be paid out to the staff member.

If the staff member is rehired within twelve months of separation, any previously accrued and unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave.

Leave under this policy will not be transferrable to another agency.

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Legal References:                   RCW 49.46.200 Paid sick leave  
  RCW 49.46.210 Paid sick leave – Authorized purposes – Limitations – “Family member” defined  
  Chapter 296-128 WAC Minimum Wages  
  WAC 296-128-620  
  WAC 296-128-650  
  WAC 296-128-670

HR Dept. 1/16/18  
Board Approved: 2/27/18

## **6400 Personal Leave**

Employees who work on a calendar day basis and have been hired to conduct work for a specific number of days, shall be granted two (2) paid personal leave days a year.

The personal leave will be available beginning September 1<sup>st</sup> of each year and must be used no later than June 30<sup>th</sup> within the same fiscal year. Leave not used in a given fiscal year will be lost.

Employees shall not be required to give any reason for the use of personal leave however scheduling of personal leave must be in consultation with supervisor.

Personal leave shall not be deducted from sick leave.

Reference: Policy 4120  
Policy 4150

ESD 105 HR Dept. 1/16/18  
Board Approved: 09/24/19

## **6500 Bereavement Leave**

6510

ESD 105 will grant up to four (4) days of bereavement leave upon the death of an employee's spouse, registered domestic partner, mother, father, son, daughter, sister, brother, mother-in-law, or father-in-law. Leave also will be allowed upon the death of a son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, granddaughter or grandson. The deaths of more than one family member resulting from a common occurrence shall be treated as a single death with respect to the length of leave granted. Arrangements for leave must be made in advance with the Superintendent or designee.

## **6600 Military Leave**

6610

The Educational Service District shall grant military leave as provided by law to each staff member who is a member of a United States Military Reserve Unit or a member of the Washington National Guard for a period not to exceed twenty-one (21) days during each year beginning October 1st and ending the following September 30th, provided such reservist has been called to, or volunteered for, active duty or active duty training. Such military leave of absence shall be in addition to any vacation or sick leave to which the staff member may be entitled and shall not result in any loss of rating, privileges or pay. During the period of military leave, the staff member shall receive his/her normal pay from Education Service District pursuant to RCW 38.40.060. The staff member shall be charged military leave only for days that he or she is scheduled to work for the Educational Service District.

6620

Employees whose Educational Service District employment is interrupted by up to five (5) years of service in a uniformed service are entitled to re-employment by Educational Service District following their discharge. The superintendent shall adopt procedures to implement these re-employment rights consistent with state and federal law.

6630

Any staff member requesting a military leave of absence must present a copy of the order from his/her reserve group or armed forces requiring that person to report for active duty.

## **6640 Military Leave – Spouse**

6641

The Educational Service District shall allow an employee who is the spouse of a military member of the U.S. Armed Forces, National Guard, or Reserves to take up to fifteen (15) days leave during a period of military conflict when: (1) the military spouse is on leave from a deployment; or (2) prior to deployment once the military spouse receives official notification of an impending call or order to active duty. The employee must work an average of twenty hours or more each week for the ESD.

6642

The employee is entitled to fifteen days of leave for each deployment. The employee must provide the district notice of intent to take leave within five business days of the call to active duty or notice of leave from deployment.

Legal References:	RCW 38.40.060	Military leaves for public employees
	RCW 49.77	Military Family Leave Act
	RCW Ch.73.16	Employment and Re-employment
	AGO 61-62 No. 081	Public Employees — State and Municipal employees-Military leave — Reserve meetings
	38 USC 4301-4335	Uniformed Services Employment and Reemployment Rights Act

Board Approved: 10/25/2021

## **6700 Leave With Pay**

6710

Leave is granted to a staff member called for jury duty. Such leave is granted with pay to the amount of the difference between the employee's regular earnings and the amount received for serving on the jury, not including reimbursements for transportation expenses.

6720

Leave is granted when a staff member is subpoenaed as a witness, interpreter or for other court activities where the court pays a fee, the staff member is eligible for the difference between his/her regular salary and the amount received for appearing in court. If no fee is paid, staff is reimbursed at the regular rate of pay.

## **6800 Leave Without Pay**

6810

Employees may request a leave of absence without pay for a period not to exceed one (1) year. The Superintendent of the Educational Service District or designee may approve leave without pay for up to two (2) weeks for any employee other than the superintendent upon a showing that the Educational Service District will not be substantially inconvenienced by the granting of the request for leave. All requests for unpaid leave in excess of two (2) weeks in length shall be presented to the Board of Directors of the Educational Service District which shall have the sole authority to approve or reject the same. Nothing contained herein shall be construed to preclude or prevent the Superintendent of the Educational Service District from initiating employee leave without pay for investigative or disciplinary purposes.

## **6900 Family and Medical Leave**

Family and medical leave is available for up to twelve (12) weeks during any twelve (12) month period for employees who apply and meet specified criteria to care for new children or for employees or their family members who have a serious health condition. Leave granted under this section is unpaid leave after the exhaustion of all paid leave. All criteria, conditions and eligibility will be applied in accordance with the Federal Family Medical Leave Act of 1993.

6920

Educational Service District will provide health plan coverage for the duration of the leave. If the employee fails to return from leave, the Educational Service District will seek reimbursement for such coverage if the failure to return is not due to illness of the employee or a family member or other circumstances beyond the employee's control.

6930 Leave will be allowed in the following situations:

6931

Employees may take leave after the birth of a child, after they adopt a child under the age of eighteen (18) or after they assume care of a foster child. Entitlement to the leave expires one (1) year after the birth, adoption or foster care placement.

6932

Employees may take leave in order to care for a spouse, child or parent of the employee who has a serious health condition, i.e., a health condition involving inpatient care or continuing treatment by a health care provider. Leave for a child over the age of seventeen (17) may be taken only if the child is incapable of self-care.

6933

Employees may take leave because of a serious health condition that renders the employee unable to perform his or her job.

6940

Notice and application for family leave must be given no later than thirty (30) days prior to the leave. Notice for medical leave should be given as soon as possible.

6950

Employees are eligible for leave under this section if they have been employed for one (1) year or more and for at least 1250 hours during the year preceding the leave.

6960

Employees who apply for family and medical leave will be required to use all accrued paid leave available.

6970

Educational Service District 105 may require employees to have health care providers verify their entitlement to leave. In addition, the Educational Service District may require that employees obtain a second medical opinion at the Educational Service District's expense. If the first and second opinion conflict, the Educational Service District may require the employee to obtain a third opinion at the Educational Service District's expense which will be final and binding.

6980 Military Caregiver Leave

An employee who is the spouse, son or daughter, parent or next of kin of a service member who is recovering from a serious illness or injury sustained while on active duty is entitled to twenty six (26) weeks of unpaid leave in a 12 month period to care for the service member.

6990

An employee returning from leave under this section is entitled to the position held before the leave or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Board Approved: 10/25/2021



## **7000 GRIEVANCE PROCEDURES**

### **7100 Staff Grievance Procedure**

7110

Any staff member of the Educational Service District wishing to submit a grievance regarding any regulations or policy pertaining to the personnel management system or salary administration may request a review of the alleged infraction through the following procedure.

7111

The employee first takes the complaint or problem to the immediate supervisor and every effort is made to adjust the complaint or to deal with the problem in an informal manner.

7112

If the employee is dissatisfied with the outcome of the informal review, a written request for review, conference and action is filed with the immediate supervisor.

7113

The Superintendent appoints a committee to include the immediate supervisor and program director (where appropriate). The committee reviews the complaint and all information applicable thereto with the complainant in a formal conference held within ten (10) working days following receipt of the request. A written response is given to the complainant within five (5) working days following the conference.

7114

If the complaint has not been adjusted to the satisfaction of the complainant within ten (10) working days following the formal conference described above, the complainant may request a review, conference and action by the Superintendent or designee. The conference occurs within ten (10) working days following receipt of the request by the Superintendent. A written response is delivered to the complainant and supervisor by the Superintendent or designee within five (5) working days following this formal conference. This step concludes the Educational Service District staff grievance procedure.

## **8000 TERMINATION OF EMPLOYMENT**

### **8100 Voluntary Termination**

8110

Employees planning to terminate employment must submit a letter of resignation to their immediate supervisor at least fourteen (14) calendar days in advance of the proposed termination date. An employee failing to comply with this policy is not granted pay for accrued annual leave.

### **8200 Reduction in Force for Non-Exempt Staff**

8210

This policy governs reductions in non-exempt staff due to fiscal shortfalls, budget restructuring or reorganizations, or a reduction in the number of positions or services to be provided. Non-exempt staff are those as defined under the Federal Fair Labor Standards Act.

8220

If, in the opinion of the Board, a reduction in non-exempt staff is necessary, the following procedures and criteria will be implemented:

8221

In the event an activity, service, program, or position is to be eliminated in whole or in part, the following criteria will be utilized to determine who will be retained.

#### **8221-1 Seniority Defined**

Seniority shall be based upon the total time of employment with Educational Service District 105 in the specific job classification (as defined by the job categories recognized on the salary schedule then in effect) to which the employee is assigned. In the event of a tie, the employee retained shall be the one with the greatest length of continuous employment in any capacity with Educational Service District 105. If after applying the above criteria a tie exists, the individual possessing prior work experience deemed most beneficial to Educational Service District 105 will be retained.

8222

Employees terminated under these procedures will be given the opportunity to fill vacant positions for which they are deemed qualified by Educational Service District 105 for a period of one (1) year from the date of termination. The criteria contained in Section 8821 will determine rank order of qualifications between competing employees.

8223

In all circumstances other than immediate loss of funding, notice of at least fourteen (14) days will be given to all terminated employees.

## **8300 Reduction in Force for Exempt Staff**

8310

This policy governs reductions in staff not covered by the Fair Labor Standards Act, as the same now exists or is hereafter amended, due to fiscal shortfalls, budget cut-backs, program changes or reductions, administrative restructuring or reorganizations, or a reduction in the number of positions or services to be provided.

8320

If, in the opinion of the Board, a reduction in exempt staff is necessary, the following procedures and criteria will be implemented:

8321

In the event an activity, service, program or position is to be eliminated, the identifiable staff member(s) performing that function will be terminated. If an activity, service, program or position, supported by specially allocated local, state or federal funds is reduced or eliminated, the reduction in force will, when feasible, only take place in the area(s) affected.

8322

In the event an activity, service, program or position is to be partially eliminated, seniority will be utilized to determine who will be retained.

### 8322-1 Seniority Defined

Seniority shall be based upon the total days of experience in the specific job classification to which the employee is assigned. For purposes of this definition, a day worked is any day for which pay was received. In the event of a tie, the employee retained shall be the one with the greatest number of total days worked for Educational Service District 105. If a tie still exists, the employee retained shall be the one obtaining the highest degree of academic preparation. Academic preparation is defined as credits and degrees received from an accredited college or university. (Example: An employee with a BA plus 30 hours would be retained over an employee with a BA plus 15 hours.)

8323

Employees terminated under these procedures will be given the opportunity to fill vacant positions for which they are deemed qualified by Educational Service District 105 for a period of one (1) year from the date of termination. The criteria contained in Section 8322 will determine rank order of qualifications between competing employees.

8324

In all circumstances other than immediate loss of funding, notice of at least fourteen (14) days will be given to all terminated employees.

## **8400 Termination for Cause**

8410

The Superintendent is authorized to discharge an employee for insubordination, failure to perform assigned tasks at an acceptable level, and/or unprofessional conduct.

## **9000 MISCELLANEOUS REQUIREMENTS**

### **9300 Environmental Protection**

9310

It is the policy of the Educational Service District that any project undertaken by this agency is accomplished in compliance with RCW 43.21C, the State Environmental Policy Act (SEPA), and in accordance with WAC 197-10, guidelines for the implementation of the State Environmental Policy Act. To this end, the Educational Service District hereby adopts by reference WAC 197-10 and all subsequent amendments thereto.

9320

In compliance with WAC 197-10, the Superintendent or designee is the responsible official for carrying out this policy.

### **9400 Garnishment/Lien and Personal Credit Problems**

9410

The Educational Service District recognizes that an employee may encounter personal credit problems and as a result be subject to garnishments/liens of salary or wages. Attempts will be made to counsel any employee with regard to his/her financial problems.

The garnishment/lien process involves considerable time and expense for both the employee and the district. Each garnishment/lien will be reviewed and pertinent information will become a part of the employee's personnel record. All legal expenses incurred by Educational Service District as a result of a garnishment/lien will be recovered from the employee.

9420

Upon receipt of garnishments/liens within any twelve (12) month period, the following action will be taken:

- 1) Upon the first notice of garnishment/lien, verbal discussion with employee will occur and warning of potential consequences.
- 2) Upon the second notice of garnishment/lien, written notification to employee of need to take corrective action will occur.
- 3) Upon the third notice of garnishment/lien, the employee will be required to give evidence of receiving professional credit counseling.
- 4) Upon the fourth notice of garnishment/lien, the employee will be terminated from employment.

Any employee who receives three garnishments/liens within a twelve (12) month period and then receives three (3) garnishments/liens within any subsequent twelve (12) month period will be terminated from employment. (Reference: RCW 6.27)

## 10000 DRUG AND ALCOHOL FREE WORKPLACE

ESD 105 has an obligation to staff, students, school districts, clients, partners, and citizens to take reasonable steps to assure safety in the workplace and to provide safety and high quality performance for the individuals and the organizations that the staff serves.

"Workplace" is defined to mean the site for the performance of all work done in connection with ESD 105 programs and services. That includes any ESD 105

- 1) facility, property, program site, school district, and while performing ESD 105 related responsibilities in any location, and/or
- 2) vehicle (or approved other vehicle) used to transport supplies, equipment, staff and/or students during any ESD 105 sponsored activity, event, or function.

### Purpose

- 1) Establish and maintain a safe, healthy learning environment for all individuals and organizations that the staff serves, and a safe, healthy working environment for all staff members.
- 2) Insure the reputation of ESD 105 and its staff members as good, responsible citizens worthy of the responsibilities entrusted to them.
- 3) Reduce the incidence of accidental injury to person or property.
- 4) Reduce absenteeism, tardiness, and indifferent job performance.
- 5) Provide assistance toward rehabilitation referral for any staff member who seeks the ESD 105's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

### Definitions

- 1) **Alcohol or alcoholic beverages:** Any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume.
- 2) **Drug:** Any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgment of the individual consuming it.
- 3) **Prescribed drug:** Any substance prescribed for the individual consuming it by a licensed medical practitioner.
- 4) **Controlled substance:** Any drug or alcohol containing substances defined by state or federal statute.
- 5) **Workplace:** All ESD 105 facilities, property, program sites, school districts, and/or vehicles (or approved other vehicles), and while performing ESD 105 related responsibilities in any location.

### Violations

Manufacture, Distribution, Possession or use of Controlled Substances: The unlawful manufacture,

distribution, possession, or use of a controlled substance is illegal, and violation will result in corrective action, including required rehabilitation where appropriate and/or disciplinary action up to and including employment termination and criminal prosecution referral. Any employee being investigated for violation of this policy shall be advised of his/her right to have legal representation present during investigatory meetings with the employee.

- 1) If ESD 105 suspects a staff member is engaged in the unlawful manufacture, distribution, or dispensation of a controlled substance, it reserves the right to notify proper investigatory and law enforcement authorities and to provide the authorities with relevant information and otherwise cooperate with authorities in an investigation.
- 2) If the staff member is charged with a drug statute violation by law enforcement authorities, the ESD 105 may suspend the staff member with or without pay pending disposition of the charges.
- 3) If a staff member is convicted of a drug statute violation related to the manufacture, distribution, or dispensation of a controlled substance, the employee will be subject to disciplinary action up to and including termination of employment.
- 4) If a staff member admits to, or is convicted of illegal furnishing of alcohol or a controlled substance to any student or minor, the staff member shall be terminated.

Note: "Conviction" means a finding of guilt (including a plea of nolo contendere or withheld judgment) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Under the Influence of Drugs: Staff members shall not report for duty, perform service, or enter ESD 105 property under the influence of or after having used illegal controlled substance as defined by either state or federal laws. Violations will result in corrective action, including required rehabilitation where appropriate and/or disciplinary action up to and including termination of employment.

- 1) Staff members are prohibited from the use of illegal controlled substances while on duty on ESD 105 property. For purposes of this policy, any staff member testing positive for a controlled substance (or its metabolite) in his/her urine is conclusively presumed to be under the influence of such drugs.
- 2) Any staff member who is taking a drug or medication, whether or not prescribed by the staff member's physician, which may adversely affect that staff member's ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment coordination, or any of the senses, including those which may cause drowsiness or dizziness. The supervisor in conjunction with the ESD 105 Superintendent, or designee, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

Under the Influence of Alcohol: Staff members shall not report for duty, perform service, enter ESD 105 property, or attend a ESD 105 sponsored activity involving students with a blood alcohol content which has been legally defined as 0.02 or more percent. Staff members are prohibited from the use, possession, or sale of alcoholic beverages while on duty on ESD 105 property.

Testing: If facts, circumstances, physical evidence, physical symptoms, or a pattern of performance or behavior causes a supervisor to reasonably conclude an employee may have used, or be under the influence or intoxicated by alcohol, a drug or controlled substance, the supervisor is to contact

the Superintendent, or designee, to discuss the situation. If it is determined that "reasonable cause" exists that the employee has used or is under the influence of alcohol, drugs, or a controlled substance, the staff member will be taken to a facility for testing. Testing will be conducted at ESD 105 expense unless the staff member requests a retest. A staff member shall be advised he/she may have legal representation present.

Examples of reasonable cause may include:

- 1) Adequate documentation of unsatisfactory performance.
- 2) Physical symptoms consistent with substance use.
- 3) Evidence of illegal substance use, possession, sale, or delivery.
- 4) Occurrence of a serious or potentially serious accident that may have been caused by human error.
- 5) Serious motor vehicle offenses while on duty and/or in an ESD 105 vehicle.
- 6) Fights, assaults, and flagrant violations of established safety, security or other operating procedures.

Testing for controlled substances may also be required of employees in the following circumstances/situations:

- 1) **On the job injury:** Any injury occurring on the job that may be the result of human error, and requires medical attention may also require the injured party to submit to a drug/alcohol screening. Supervisors are to notify the Superintendent or designee immediately upon hearing of an injury that occurred on the job so that the hospital or other treatment facility can be alerted to collect the appropriate sample.
- 2) **Safety sensitive positions:** Positions which affect the safety of other persons will be required to submit to a drug test on a random basis. These positions include those staff members whose job is driving any ESD 105 vehicle (bus, truck, car, van, or machine), or their own vehicles for job related duties.
- 3) **Employment of persons addicted/dependent upon alcohol/drugs:** Persons having a history of alcohol or drug dependency will not be knowingly employed unless satisfactory evidence of rehabilitation is provided to ESD 105. All finalists for employment will be required to submit to a pre-employment urinalysis. Applicants whose urinalysis, interviews, application information and/or reference and background checks indicate present alcohol/drug abuse will not be hired.
- 4) **Transportation:** In all circumstances of suspected drug/alcohol use it is necessary to provide transportation for the individual. If the staff member refuses to accept transportation and attempts to drive, he/she shall be advised the authorities will be notified immediately. A staff member's refusal to accept transportation shall result in immediate termination.
- 5) **Sample requirements:** Refusal to submit a sample or tampering with a sample during testing shall result in immediate termination.
- 6) **Retesting of sample:** Staff members/applicants may have the sample given by the staff

member retested by the same or another lab facility providing a written request be provided to the Superintendent within forty-eight (48) hours of test result notification. The staff member/applicant shall be responsible for any costs of the additional testing.

Discipline An employee who violates the terms of this policy may be suspended, discharged, or non-renewed in accordance with the provision of ESD 105 policy and State law.

Confidentiality/Privacy: The fact a test has been requested or administered, the results of that test and communications with the staff member regarding substance use/abuse shall be considered private and confidential. Access to such information is limited to those who have a legitimate need to know. Internally, the Superintendent, Superintendent's designee, and immediate supervisor will be notified. External communications shall be based on a case by case determination and may include counselors, medical professionals, law enforcement personnel, the OSPI Certification Officer, and the federal government.

Employee Assistance Program (EAP): Drugs and/or alcohol do not belong in the workplace. It is the position of ESD 105 that a staff member who recognizes he/she has a drug and/or alcohol problem but cannot take care of the problem alone will be provided assistance. The Superintendent's designee will serve as the EAP case manager for any staff member seeking referral assistance through his/her supervisor.

Rehabilitation is the responsibility of the staff member. An approved organization will assist those staff members who voluntarily come forward seeking assistance. Assistance will be in the form of an assessment of dependency and determination of the staff member's need for a rehabilitation treatment program. The assessment may be paid for by ESD 105. Any staff member seeking medical attention for alcoholism or drug addiction will be entitled to benefits provided by his/her medical insurance plan, and sick leave or a leave of absence without pay if necessary to complete the treatment program.

Upon successful completion of treatment, staff members will be returned to active status without reduction of pay or seniority. Staff members may return to work during treatment at the recommendation of the Assessing Agency and upon the approval of the Superintendent, or designee.

ESD 105 may require a staff member participate in an assessment program if there is reasonable cause to believe that the staff member is abusing alcohol, prescription drugs, or legal/illegal drugs. Referral to an agency qualified to conduct an assessment will be made at ESD 105 expense.

Any staff members suffering from an alcohol/drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. The recurrence of a job related alcohol/drug problem will be cause for termination. If a staff member needs to repeat treatment, and problems have not been evident in job performance, the staff member will be granted the opportunity to use sick leave or apply for leave without pay to seek said treatment.

Enforcement Requirements: As a condition of employment, each staff member shall notify his/her



supervisor of his/her conviction of any criminal drug statute for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five (5) days after such conviction. ESD 105 shall inform the federal government within ten (10) day of such conviction, regardless of the source of the information.

As a condition of employment, each employee shall abide by the terms of this ESD 105 policy respecting a drug free workplace.

Supervisors who knowingly disregard the requirements of this policy shall be subject to disciplinary action, up to and including termination. Reporting of violations or suspected violations of this policy is the responsibility of all ESD 105 staff members. If a staff member has reason to suspect that a fellow staff member has violated this policy, the information should be given to the immediate supervisor of the staff member suspected of the violation. If it is not possible to present the information to the staff member's immediate supervisor, the reporting staff member should inform the next level of management.

Information reporting steps:

- 1) Immediate supervisor of staff member suspected of a violation.
- 2) Next level of supervision within the program or department.
- 3) Superintendent, or designee.

Each staff member shall be notified of ESD 105's policy and procedures regarding drug activity at work.

Reference:

P.L. 100690, Title V, Subtitle D  
21 U.S.C. 812  
21 CFR 1300.111300.15  
P.L. 101226  
RCW 28A.310.010  
RCW 28A.310.180  
RCW 69.50.435  
WAC 18086  
WAC 18087

ESD 105 HR Dept. Rev. 4/9/13  
ESD 105 Board Approved: 5/21/13

**FORM 10000-F1**  
**Page 1 of 1**

NOTICE TO EMPLOYEES ENGAGED IN ESD 105 WORK

YOU ARE HEREBY NOTIFIED that it is a violation of the policy of ESD 105 for any employee to unlawfully manufacture, distribute, dispense, possess, use on or in the workplace and during any work related commuting while on ESD 105 business, or to report to duty under the influence of any illicit narcotic drug,

hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol, or any other illegal controlled substance, as defined in Federal Law and as further amended to include anabolic steroids. It is also a violation of ESD 105 policy to violate related laws off work site or hours.

"Workplace" is defined to mean the site for the performance of all work done in connection with ESD 105 programs and services. That includes any ESD 105

1) facility, property, program site, school district, and while performing ESD 105 related responsibilities in any location, and/or

2) vehicle (or approved other vehicle) used to transport supplies, equipment, staff and/or students during any ESD 105 sponsored activity, event, or function.

YOU ARE FURTHER NOTIFIED that it is a condition of your continued employment on any federal grant that you will comply with the policy of ESD 105 and will notify your supervisor of any conviction under any criminal drug statute for a violation occurring in the workplace. Such notification shall be no later than five (5) days after such conviction.

An employee who violates the terms of ESD 105's drug-free workplace policy may be suspended, discharged, or non-renewed in accordance with the provisions of ESD 105 policy and state law. In addition, ESD 105 will make criminal prosecution referrals, as appropriate. Compliance with the standards of conduct are mandatory.

An employee desiring information on drug and/or alcohol assessment, counseling, rehabilitation and/or re-entry program may contact his/her supervisor for referral information. An employee may be required to satisfactorily complete a drug rehabilitation treatment program approved by the Superintendent, at the employee's expense, as a condition of eligibility for reinstatement. However, reinstatement of an employee who has violated the drug-free workplace policy is not guaranteed, nor does the ESD 105 incur any financial obligation for an employee's treatment or rehabilitation.

.....

I, \_\_\_\_\_, *acknowledge receipt of this policy statement on*

(print name)

*the* \_\_\_\_\_ *day of* \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Employee's Signature**

HR Dept. Rev. 4/9/13  
Board Approved: 5/21/13

**FORM 10000-F2**  
**Page 1 of 1**

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS  
GRANTEES OTHER THAN INDIVIDUALS**

An employee desiring information on drug and/or alcohol assessment, counseling, rehabilitation and/or re-entry program may contact his/her supervisor for referral information. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, required certification by

grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when agency determined to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government- wide suspension or debarment (see CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

- 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- 2) Establishing a drug-free awareness program to inform employees about:
  - A) the dangers of drug abuse in the workplace;
  - B) the grantee's policy of maintaining a drug-free workplace;
  - C) any available drug counseling, rehabilitation, and employee assistance programs; and, D) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- 3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph one (1).
- 4) Notifying the employee in the statement required by paragraph one (1) that, as a condition of employment under the grant, the employee will:
  - A) abide by the terms of the statement; and
  - B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Notifying the agency within ten (10) days after receiving notice under subparagraph four (4)(B) from an employee or otherwise receiving actual notice of such conviction.
- 6) Taking one of the following actions, within thirty (30) days of receiving notice under subparagraph four (4)(B), with respect to any employee who is so convicted:
  - A) taking appropriate personnel action against such an employee, up to and including termination; or
  - B) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- 7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs one, two, three, four, five, and six.

ESD 105 HR. Dept. Rev. 4/9/13  
Board Approved: 5/21/13

## 10400 Opioid Related Overdose Reversal

10400

The board recognizes that the opioid epidemic is a public health crisis and access to opioid-related overdose reversal medication can be life-saving. To assist a person at risk of experiencing an opioid-related overdose, ESD 105 will seek to obtain and maintain at least one set of opioid overdose reversal medication doses in the Agency.

The Agency has authority to obtain and maintain opioid overdose reversal medication either through a standing order, prescribed and dispensed according to RCW 69.41.095(5), or through one or more donation sources. The Agency will seek at least one set of opioid reversal medication.

The following personnel may distribute or administer the school-owned opioid overdose reversal medication to respond to symptoms of an opioid-related overdose:

- A registered nurse,
- Staff who become designated trained responders, or
- A health care professional or trained staff person located at a health care clinic on public school property or under contract with the Agency.

Training for staff to become designated trained responders and distribute or administer opioid overdose reversal medication must meet the requirements for training described in the statute and any rules or guidelines for such training adopted by the Office of Superintendent Public Instruction.

Opioid overdose reversal medication may be used on ESD 105 property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from Agency property. A registered nurse or a designated trained responder may carry an appropriate supply of Agency owned opioid overdose reversal medication on in-state trips and sanctioned in-state excursions.

Individuals who have been directly prescribed opioid overdose reversal medication according to RCW 69.41.095 lawfully possess and administer opioid overdose reversal medication, based on their personal prescription. However, such “self-carrying” individuals must show proof of training as verified by a licensed registered professional nurse employed or contracted by the district or participate in district training as specified in the accompanying procedure.

If any type of overdose is suspected, including an opioid related overdose, staff will call 9-1-1 and alert a first responder. The registered nurse, designated trained responder, or trained staff person located at a health care clinic on agency property or under contract with ESD 105 will follow the Washington Department of Health steps for administering naloxone for a suspected opioid related overdose.

References:  
RCW 69.50.315  
RCW 28A.210

Approved by Board: 12/20/2022

## 10400-P Opioid Related Overdose Reversal

Opioid overdose reversal medication and rescue breathing are evidence-based interventions known to result in positive outcomes for individuals experiencing an opioid related overdose. ESD 105 shall utilize the Opioid Related Overdose Policy Guidelines & Training in the School Setting published by the Office of the Superintendent of Public Instruction.

### Opioids and Overdose

Opioids are a class of drugs derived from opium poppy or entirely created in a lab. Opioids include morphine, codeine, oxycodone, hydrocodone, hydromorphone, heroin, meperidine, fentanyl, and methadone. There are prescription opioids and opioids that are created and obtained illicitly.

An opioid overdose happens when someone has taken too much of an opioid. Synthetic opioids such as Fentanyl are especially dangerous due to its potency and can be added to illicit street drugs. A person may experience non-life threatening effects such as nausea, vomiting, or sleepiness. A person may also experience life threatening effects that may lead to death, including infrequent or absent breathing, slowed or irregular heartbeat, no response to stimuli, and severe allergic reaction.

Risk factors for an opioid overdose include:

- Mixing opioids with other substances including benzodiazepines or alcohol
- Using after a break in use due to decreased tolerance
- Taking too many opioids
- Other health conditions
- Previous overdose
- Using opioids not from a pharmacy because the strength is unknown
- Using alone (increases risk from dying from an overdose)

Those who overdose rarely experience sudden breathing cessation. There is usually enough time to intervene before breathing completely stops and death occurs. Opioid overdose reversal medication and rescue breathing are evidence-based intervention outcomes for individuals experiencing an opioid overdose.

An opioid high presents differently than an opioid overdose.

Opioid High	Opioid Overdose
Normal skin tone	Pale, clammy skin  Blue or purple lips or fingernails for person with light complexion and white or ashy lips and fingernails for person with dark complexion
Breathing appears normal	Infrequent, shallow, or absent breathing  Respiratory rate less than 8 breaths per minute
Normal heart rate	Slow or irregular heartbeat
Looks sleepy	Unconscious or unable to wake
Speech slurred or slow	Deep snoring, gurgling, or choking sounds (death rattle)
Responsive to stimuli	Not responsive to stimuli
Pinpoint pupils (with some exceptions)	Pinpoint pupils

An opioid overdose may occur intentionally or in many cases unintentionally after injection, ingestion, or inhalation of an opioid. Assessing an individual for responsiveness and breathing is critical to a successful outcome of a person experiencing an opioid overdose. A few quick ways to determine this are:

- Shout their name and shake them
- Rub knuckles hard on the breastbone in the middle of the chest or on the upper lip of the individual.

If the person responds to the stimuli, assume an overdose has not yet occurred. However, emergency medical services should be notified. Remain with the individual and continue to assess for responsiveness and breathing until help arrives. It is important to monitor the person and try to keep the individual awake and alert. If the person does not respond to hearing their name, being shook, or having knuckles rubbed on their breast bone or upper lip, assume they may be experiencing an opioid overdose.

An opioid overdose requires immediate medical attention. It is essential to have a trained medical professional assess the condition of a person experiencing an overdose. All schools are expected to activate emergency medical services in an expected case of an overdose. Naloxone is effective only if there are opioids involved in the overdose. Naloxone will not reverse an overdose involving alcohol, benzodiazepines, or cocaine. Washington's Good Samaritan Law provides some protections when calling 911 to save a life, even if drugs are at the scene according to RCW 69.50.315. The victim and person calling 911 cannot be prosecuted for simple possession. ESD 105 shall follow the Washington Department of Health's steps for administering naloxone for drug overdose. (<https://www.doh.wa.gov/Portals/1/Documents/Pubs/150-126-NaloxoneInstructions.pdf>)

### **Obtaining and Maintaining Opioid Overdose Medication**

If a statewide standing order for intranasal or auto-injection intramuscular forms of naloxone is available, ESD 105 will obtain and maintain those forms of opioid overdose reversal medication exclusively.

ESD 105 may seek to obtain opioid overdose reversal medication through donations from manufacturers, non-profit organizations, hospitals, and local health jurisdictions. ESD 105 may also purchase opioid overdose reversal medication directly from companies or distributors at discounted pricing.

ESD 105 shall ensure that the opioid overdose reversal medication is stored safely and consistently with the manufacture's guidelines. Registered nurse will also make sure that an adequate inventory of opioid overdose reversal medication is maintained with reasonably projected demands. Medication should be routinely assessed to ensure enough time for reacquiring the medication prior to the expiration date.

Opioid overdose reversal medication shall be clearly labeled in an unlocked, easily accessible cabinet in a supervised location. Consider storing opioid overdose reversal medication in the same location as other rescue medications. Expiration dates should be documented on an appropriate log a minimum of two times per year. Additional materials (e.g. barrier masks, gloves, etc.) associated with responding to an individual with a suspected opioid overdose can be stored with the medication.

### **Training**

ESD 105 will ensure that at least one staff member can distribute or administer opioid overdose reversal medication. Training for designated trained responders will occur annually prior to the beginning of each school year and throughout the school year as needed. Training may take place through a variety of platforms, including online or in a more conventional classroom setting. Training may occur in small groups or conducted one-on-one and may be offered by nonprofit organizations, higher education institutions, or local public health agencies. A licensed registered professional nurse who is employed or contracted by the district may train the designated trained responders on the administration of the opioid overdose reversal medication consistent with OSPI's guidelines and this policy/procedure.

ESD 105 will maintain a log of all designated trained responders. The log will include a list of all persons who are designated trained responders, a list of their trainings with the date and location of the training and the name of the trainer.

Individuals who have been directly prescribed opioid overdose reversal medication according to RCW 69.41.095 lawfully possess and administer opioid overdose reversal medication, based on their personal prescription. However, such “self-carrying” individuals must either show proof of training as verified by a licensed registered professional nurse employed or contracted by the district or participate in district training. These self-carrying individuals do not count toward the designated trained responders at each high school.

**Liability**

ESD 105 and practitioner’s liability is limited as described in RCW 69.41.095.

## **10405 Anaphylaxis Prevention and Response**

Anaphylaxis is a life-threatening allergic reaction that may involve systems of the entire body. Anaphylaxis is a medical emergency that requires immediate medical treatment and follow-up care by an allergist/immunologist.

The ESD 105 Board of Directors expects Program Coordinators, teachers, and support staff to be informed and aware of life-threatening allergic reactions (anaphylaxis) and how to deal with the resulting medical emergencies. For students, some common life-threatening allergens are peanuts, tree nuts, fish, bee or other insect stings, latex, and some medications. Affected students require planned care and support during the school day and during school sponsored activities. Additionally, any student could potentially have a life-threatening allergic reaction even without a history of such.

Parents/guardians are responsible for informing the school about their student's potential risk for anaphylaxis and for ensuring the provision of ongoing health information and necessary medical supplies. ESD 105 will take reasonable measures to avoid allergens for affected students. ESD 105 will also train program staff in the awareness of anaphylaxis and prepare them to respond to emergencies. Additionally, student specific training will be provided for appropriate personnel.

Even with ESD 105's best efforts, staff and parents/guardians need to be aware that it is not possible to achieve a completely allergen-free environment. However, ESD 105 will take precautions to reduce the risk of a student with a history of anaphylaxis coming into contact with the offending allergen in school.

Legal References:

WAC 392-380 PUBLIC SCHOOL PUPILS—IMMUNIZATION REQUIREMENT AND LIFE-THREATENING HEALTH CONDITION

RCW 28A.210.383 Anaphylaxis — Policy guidelines — Procedures — Reports.

Board Approved: 12.19.2023



## **10405-P Anaphylaxis Prevention and Response**

For students with a medically diagnosed life-threatening allergy (anaphylaxis), ESD 105 will take appropriate steps for the student's safety, including implementing a nursing care plan. ESD 105 will utilize the Guidelines for the Care of Students with Anaphylaxis published by the Office of the Superintendent of Public Instruction.

### **Parent/Guardian Responsibility**

Prior to enrolling a student, the parent/guardian will inform the school of origin or when necessary, the ESD program staff in writing of the medically diagnosed allergy(ies) and risk of anaphylaxis. ESD 105 in collaboration with the school districts of origin will develop a process to identify students at risk for life-threatening allergies and will report this to the ESD 105 Registered Nurse (RN). The school of origin staff or when necessary, the ESD 105 RN will contact the parent/guardian to develop a nursing care plan. A nursing care plan will be developed for each student with a medically diagnosed life-threatening allergy.

### **Nursing Care Plan**

The RN from the school of origin or the ESD 105 RN will develop a written plan that identifies the student's allergies, symptoms of exposure, practical strategies to minimize the risks, and how to respond in an emergency.

The principal, designee (school of origin RN) or the ESD 105 RN may arrange for a consultation with the parent/guardian prior to the first day of attendance to develop and discuss the nursing care plan. The plan will be developed by the school nurse or ESD 105 RN in collaboration with parent/guardian, licensed health care provider (LHP), and appropriate school staff. If the treatment plan includes self-administration of medications, the parent/guardian, student, and staff will comply with model policy and procedure, *Self-Administration of Asthma and Anaphylaxis Medication*.

Annually and prior to the first day of attendance, the student health file will contain: 1) a current, completed nursing care plan; 2) a written description of the treatment order, signed by a LHP; and 3) an adequate and current supply of auto-injectors (and other medications if needed). The parents/guardians are responsible for notifying the ESD 105 Program Coordinator if the student's condition changes and for providing the medical treatment order, appropriate auto-injectors, and other medications as ordered by the LHP. Program Coordinators are responsible for notifying the ESD 105 RN for any student condition changes, as mentioned above.

ESD 105 programs will exclude those students who have a medically diagnosed life-threatening allergy and no medication or treatment order presented to the program to the extent that ESD 105 can do so consistent with federal requirements for students with disabilities under the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, and pursuant to the following due process requirements:

1. Written notice to the parents/guardians or persons in loco parentis is delivered in person, email or postal mail;
2. Notice of the applicable laws, including a copy of the laws and rules; and
3. The order that the student will be excluded from school immediately and until medications and a treatment order are presented.

### **Communications Plan and Responsibility of ESD Program Staff**

After the nursing care plan is developed and given to the ESD 105 RN, the ESD 105 Program Coordinator or a designee will inform appropriate staff regarding the affected student. The ESD 105 RN will train appropriate staff regarding the affected student and the nursing care plan. The plan will be distributed to appropriate staff and placed in appropriate locations in ESD 105 (classroom, office, school bus, lunchroom, near playground, etc.). With the permission of parents/guardian and the student, (if appropriate), other students and parents may be given information about anaphylaxis to support the student's safety and control to exposure to allergens.

### **All ESD 105 Program Staff Training**

Annually, each ESD 105 Program Coordinator will collaborate with the ESD 105 RN to provide an in-service training on how to minimize exposure and how to respond to an anaphylaxis emergency. The training will include a review of avoidance strategies, recognition of symptoms, the emergency protocols to respond to an anaphylaxis episode (calling 911/EMS when symptoms of anaphylaxis are first observed), and hands-on training in the use of an autoinjector. Training should also include notifications that more than one dose may be necessary in a prolonged anaphylaxis event.

### **Student-specific Training**

Annually, before the start of the program year and/or before the student attends the program for the first time, student specific training and additional information will be provided (by the ESD 105 RN) to ESD 105 program staff who will have known contact with a student diagnosed with a known allergen and/or will be implementing the nursing care plan.

### **Controlling the Exposure to Allergens**

Controlling the exposure to allergens requires the cooperation of parents, students, the health care community, ESD 105 program staff, and the board. ESD 105 will discourage the sharing of food, utensils, and containers. ESD 105 will take other precautions such as avoiding the use of party balloons or contact with latex gloves.

ESD 105 will also identify high-risk events and areas for students with life-threatening allergies, such as foods and beverages brought to ESD 105 programs for seasonal events, program equipment, and curricular materials used by large numbers of students (play-dough, stuffed toys, science projects, etc.), and implement appropriate accommodations.

During ESD 105 program-sponsored activities, Program Coordinators, ESD 105 RN, staff, and parents will be made aware of the identity of the student with life-threatening allergies, the allergens, symptoms, and treatment. The Program Coordinator in concert with the ESD 105 RN will ensure that the auto-injector and emergency care plan is brought on field trips.

### **Employee Opt-Out**

ESD 105 employees (except licensed nurses) who have not previously agreed in writing to the use of epinephrine autoinjectors as part of their job description may file a written letter of refusal to administer epinephrine autoinjectors with ESD 105. The employee's refusal may not serve as grounds for discharge, non-renewal, or other action adversely affecting the employee's contract status.

### **No Liability**

If the ESD 105 employee or ESD 105 RN who administers epinephrine by autoinjector to a student substantially complies with the student's prescription (that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority) and ESD 105's policy on anaphylaxis prevention and response, the employee, RN, ESD 105, superintendent, and board are not liable for any criminal action or civil damages that result from the administration.

## 10410 Suicide Prevention

The ESD 105 Board of Directors recognizes that suicide is a leading cause of death among youth and that suicidal indicators such as substance abuse and violence are complex issues that should be taken seriously.

While ESD 105 staff may recognize potentially suicidal youth and ESD 105 staff can make an initial risk assessment, ESD 105 programs cannot provide in-depth mental health counseling. Instead, the board directs ESD 105 staff to refer students who exhibit suicidal behaviors to an appropriate service for further assessment and counseling.

ESD 105 staff who have knowledge of a suicide threat must take the proper steps to support the student and to report this information to the ESD 105 program director or designee who will, in turn, notify the appropriate school officials, the student's family and appropriate resource services.

The board also recognizes the need for youth suicide prevention procedures. ESD 105 will adopt and, at the beginning of each school year, provide to all ESD 105 program staff, including substitute and regular bus drivers, a plan for recognizing, screening, referring and responding to students in emotional or behavioral distress. At a minimum, the plan will:

- Identify training opportunities for staff on recognizing, screening and referral of students in emotional or behavioral distress, including those who exhibit indicators of substance or sexual abuse, violence or suicide;
- Describe how to utilize the expertise of ESD 105 program staff trained in recognition, screening and referral;
- Provide guidelines, based on staff expertise, for responding to suspicions, concerns or warning signs of emotional or behavioral distress;
- Address development of partnerships with community organizations and agencies for referral of students to support services, to include development of at least one memorandum of understanding between ESD 105 and one such entity;
- Contain procedures for communication with parents and guardians, including notification requirements in accordance with [RCW 28A.320.160](#);
- Describe how staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;
- Describe how ESD 105 will provide support to students and staff after an incident of violence, student suicide or allegations of sexual abuse of a student;
- Describe how staff should respond when allegations of sexual contact or abuse are made against a staff member, volunteer, parent, guardian or family member of the student, including how staff should interact with parents, law enforcement and child protective services;
- Describe how ESD 105 will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

The superintendent will develop and implement the plan and a staff training schedule to achieve the board's goals and objectives.

### Legal References

[RCW 28A.410.226 Washington professional educator standards board — Training program on youth suicide screening — Certificates for school nurses, social workers, psychologists, and counselors — Adoption of standards.](#)

[RCW 28A.410.043 School Counselor Certification](#)

RCW 28A.320.1271 Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.

RCW 28A.320.127 Plan for recognition, screening, and response to emotional or behavioral distress in students.

Board Approved: 10.24.2023

## **10410P Procedure – Suicide Prevention**

### **A. Prevention**

Suicide prevention strategies may include, but are not limited to, efforts to promote a positive climate that enhances students' feelings of connectedness with the ESD 105 program and each other, and is characterized by caring staff and harmonious interrelationships among students.

#### **1. Healthy Students**

ESD 105 will promote healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills and self-esteem. Developmentally appropriate healthy options will be incorporated into the student's instructional day.

- Identify and analyze signs of depression and self-destructive behaviors and understand how feelings of depression, loss, isolation, inadequacy and anxiety can lead to thoughts of suicide;
- Identify alternatives to suicide and develop coping and resiliency skills;
- Learn to listen, share feelings and get help when communicating with friends who show signs of suicidal intent; and
- Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking mental health, substance abuse and/or suicide prevention services.

#### **2. Student Responsibility**

ESD 105 staff will encourage students to notify a teacher, principal, counselor or other adult when they are experiencing depression or thoughts of suicide or when they suspect or have knowledge of another student's despair or suicidal intentions. Where appropriate, the ESD 105 staff will use students to help educate their peers to identify the warning signs of suicidal behavior and to get a suicidal student adult help.

#### **3. Staff Training**

Suicide prevention training will help ESD 105 staff identify and respond to students at risk of suicide. The training will be offered under the direction of Student Support Department and may include information on:

- a. Identifying risk factors such as previous suicide attempts, history of depression or mental illness, substance use problems, bullying and harassment, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability and other factors;
- b. Warning signs that may indicate suicidal intentions, including changes in students' appearance, personality or behavior;
- c. School and community resources/services; and

- d. ESD 105 procedures for intervening when a student attempts, threatens, discloses the desire to commit suicide or displays other indicators.

#### **4. ESD 105 Program Director/Designee Prevention Planning**

The administrative teams will designate specific individuals to be promptly contacted regarding a suicide threat including the superintendent, the student's parent/guardian and, as necessary, local law enforcement or mental health agencies. The administrative team or counselor will develop a reentry plan, including a student/staff support plan for use after a suicide attempt.

#### **B. Intervention**

Whenever a staff member suspects or has knowledge of a student's suicidal intentions he/she will take proper steps to support the student, promptly notify the administrative team and request that appropriate ESD 105 staff conduct an initial risk interview. The administrative team will then notify the student's parents/guardians as soon as possible unless notification of the parents will jeopardize the student's safety. ESD 105 may also refer the student to mental health resources in the community. Additionally, the administrative team or designee will ensure the student's physical safety by one of the following as appropriate:

1. Secure immediate medical treatment if a suicide attempt has occurred;
2. Secure emergency assistance if a suicidal act is being actively threatened;
3. Keep the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene;
4. Document the incident and disposition in writing as soon as feasible;
5. Follow-up with the parent/guardian and student, in a timely manner, to provide referrals to appropriate services as needed;
6. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident; or
7. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used and make recommendations for future actions.

#### **C. Parent Responsibility**

If a student is determined to be at risk, the administrative team or designee will contact the parent/guardian and:

1. Ask the parent/guardian whether he or she is aware of the student's mental state;
2. Ask the parent/guardian how he/she will obtain mental health counseling or appropriate support for the student;
3. Provide names of community counseling resources, if appropriate, and offer to facilitate the referral;
4. Determine the parent's/guardian's intent to seek appropriate services for the student; and
5. Discuss the student's reentry into school.

#### **D. Post-Event**

In the event that a suicide occurs or is attempted, the administrative team or designee will follow the crisis intervention procedures contained in the ESD 105 safety plan. After consultation with the Superintendent or designee and the student's parents/guardians about facts that may be divulged in accordance with the laws governing confidentiality of student record information, the administrative team or designee may provide students, parents/guardians, and staff with information, counseling and/or referrals to community agencies as needed. ESD 105 administrators may receive assistance

from counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students and staff. Following a suicide, ESD 105 will also assess the impact within all programs and the local community and provide appropriate information and support.

#### **E. Communications**

ESD 105's suicide prevention policy and procedure and the crisis intervention plan will be available for all ESD 105 staff, students and community through the ESD 105 policies and procedures. All requests for specific information regarding an incident will be directed to the administrative team or designee.

#### **F. Resources**

ESD 105 will utilize ESD 105 counselors, the crisis telephone hotline, physician/health care providers, mental health specialists, youth leaders, parents and clergy as resources for prevention and intervention. ESD 105 will also develop partnerships with community organizations and agencies and a memorandum of understanding with at least one of these programs for referral of students to support services. Community resources include:

##### **1. Prevention Resources:**

- a. Washington Youth Suicide Prevention Program, 206-297-5922;
- b. Washington State Department of Health, [www.doh.wa.gov/preventsuicide](http://www.doh.wa.gov/preventsuicide); **800-273-8255** Suicide Lifeline | **866-833-6546** Teen Link | [Lifeline Crisis Chat](#) | [Lifeline Website](#) | Text "HEAL" to **741741** Crisis Text Line;
- c. 211 System – This is an information referral service, it assists with providing resources in your community.

##### **2. Crisis Response Resources:**

- a. Emergency Response: 911
- b. Suicide Crisis Hotline (988);
- c. Local Community Mental Health Center  
Comprehensive Healthcare  
402 S. 4<sup>th</sup> Ave  
Yakima, WA 98902  
509-575-4084
- d. Additional crisis response resources are listed at ESD 105 website, located at <https://www.esd105.org/student-support/suicide-prevention-and-behavioral-health-navigation/behavioral-health-resources>

## **10500 TOBACCO FREE WORKPLACE**

### **10510**

The Board of Directors recognizes that to protect staff, visitors and students from exposure to the addictive substance of nicotine, employees, volunteers, and all members of the community, have an obligation as role models to refrain from tobacco use on Educational Service District property and school district properties at all times. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine delivering devices, chemicals or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco innovation.

### **10520**

Any use of tobacco products by staff, visitors and community members shall be prohibited on all Educational Service District property, in Educational Service District buildings, agency-owned vehicles and school district properties where Educational Service District services are provided, except as stated in Policy 10530.

### **10530**

Employees desiring to participate in a physician directed nicotine or tobacco cessation program during their work day, which involves the use of any cessation product containing nicotine or tobacco, are required to submit a written notice from their physician. The notice must indicate the type of product to be used and duration of treatment. The notice must be delivered to the Superintendent or Superintendent's designee for approval prior to the implementation of the cessation program.

### **10540**

Notices advising employees and visitors of this policy shall be posted in appropriate locations in all Educational Service District buildings as determined by the superintendent. Employees are subject to discipline for violations of this policy, and Educational Service District employees are responsible for the enforcement of the policy.

Approved by Board: 1/18/11

## **11000 LEAVE SHARING**

### **11100 Definition of Leave Sharing**

#### 11110

Educational Service District 105 employees may, with the approval of the Superintendent, share sick leave and annual leave with an Educational Service District employee who is suffering from, or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition, or who has been called to service in the uniformed services, which has caused, or is likely to cause, the employee to take leave without pay or terminate his or her employment.

#### 11115

##### Definitions

- “Service in the uniformed services” means the performance of duty on a voluntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.
- “Uniformed services” means the armed forces, the Army National Guard, and the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the commissioned corps of the Public Health Service, the Coast Guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

### **11200 Eligibility**

#### 11210

An employee is eligible to receive donated leave if: (1) The staff member has depleted, or will shortly deplete all available leave, and (2) A document is provided by the attending physician which substantiates the problem and provides estimates of its duration, or orders verifying the employee has been called to service in the uniformed services.

### **11300 Donation of Leave**

#### 11310

Annual leave can be donated by any employee who accrues annual leave. A staff member who has an accrued annual leave balance of more than ten (10) days may request in writing that the Superintendent transfer a specified number of days to another staff member authorized to receive shared leave. A staff member may not request leave to be transferred that would result in an accrued annual leave balance of fewer than ten (10) days.

#### 11320

Sick leave can be donated by any employee who accrues sick leave. A staff member who has an accrued sick leave balance of more than sixty (60) days may request in writing that the Superintendent transfer a specified



amount of sick leave to a staff member authorized to receive such leave. A staff member may not request a transfer that would result in an accrued sick leave balance of fewer than sixty (60) days.

#### **11400 Other Applicable Terms**

11410

All decisions to donate leave shall remain confidential.

The Superintendent or designee shall compute the amount of leave, if any, which a staff member may receive under this policy. The formula for donating leave will be the donator's rate of pay times the number of days donated, divided by the donee's rate of pay, to determine the number of days that can be used. The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave.

Approved by ESD 105 Board: 3/26/19

## **12000 PRE-EMPLOYMENT EXAMINATION**

### **12100 Definition of Examination**

#### 12110

It is the intention of the Educational Service District 105 Board of Directors that no employee shall be placed in a position that is likely to aggravate an existing medical problem. Therefore, the Educational Service District will require a medical evaluation for any new employee who is required to do heavy or repetitive lifting in the course of their employment. Medical evaluations will be required only of individuals who have been selected for employment. The finalization of the employment will be subject to the medical evaluation.

The following positions shall be given a physical examination prior to finalization of employment:

- A. Custodial staff
- B. Courier
- C. Data Processing staff: Computer Operators and Data Control Clerks
- D. Special Education staff whose position requires frequent lifting of children or adults
- E. Any other position that in the opinion of the Educational Service District Superintendent would require heavy or repetitive lifting

### **12200 Process**

#### 12210

The Educational Service District shall schedule the physical examination with a medical provider selected by the Educational Service District. The physical examination expenses shall be borne by the Educational Service District, except in cases where it is determined that the individual has knowingly misrepresented their physical limitation. Wherever possible, the Educational Service District will make reasonable accommodations for individual physical limitations.

## **13000 REPORTING IMPROPER GOVERNMENTAL ACTION**

### **13100 Definition of Improper Governmental Action**

13110

The Educational Service District encourages the reporting of improper governmental actions by any Educational Service District employees and will protect employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure. Educational Service District officers and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

The Superintendent shall establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation.

As used in this policy, the following terms shall have the meanings indicated:

- A. "Improper governmental action" means any action by an Educational Service District employee:
  - 1. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's job; and
  - 2. That (i) is in violation of any federal, state or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.
- B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member's employment.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

### **13200 Process**

13210

Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor or designee stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involved his or her supervisor, the employee may raise the issue directly with the Superintendent or the Human Resources Director.

13220

In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

Employees who fail to make a good faith attempt to follow this policy in reporting improper governmental conduct shall not be eligible for the protections outlined.

The employee's supervisor, the Superintendent or the Human Resources Director shall take prompt action to see that the report of improper governmental action is properly investigated.

Persons involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee shall receive a summary of the investigation result, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the Educational Service District, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report information about the improper governmental action directly to the appropriate government agency.

The employee must provide a written report describing the improper governmental action to the Superintendent or Human Resources Director prior to providing the information to persons outside the local government.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Superintendent or the Human Resources Director. Appropriate action to investigate and address complaints of retaliation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the Superintendent that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty (30) days of the alleged retaliation. The Educational Service District will respond to the complaint within thirty (30) days of receiving the written notice.

If the employee alleging retaliation receives no response from the Educational Service District or objects to the Educational Service District's response, the employee may request a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the Superintendent either fifteen (15) days following the Educational Service District's response, or forty-five (45) days after the complaint was filed, if there was no response.

The Educational Service District will apply for a hearing within five (5) working days to: Office of Administrative Hearings, P.O. Box 42488, Rowe Six, Bldg. 1, 4224 6th SE, Lacey, WA 98504-2488, (206) 459-6353.

The Educational Service District will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

A summary of this policy will be permanently posted where all employees will have reasonable access to the policy. The policy will be made available to any employee who requests it, and the policy will be given to all new employees.

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the Superintendent or the Human Resources Director:

Local City Police Department or County Sheriff's Office  
Local County Prosecutor's Office  
Local City or County Health Department  
Local City or County Environmental Protection Office

WA. Attorney General's Office  
Fair Practices Division  
2000 Bank of California Center  
900 - 4th Avenue  
Seattle, WA 98104  
(206) 464-6684

Washington Auditor's Office  
Legislative Bldg.  
P.O. Box 40021  
Olympia, WA 98504-0021  
(206) 754-5280

Washington Department of Ecology  
3190 - 16th SE  
Bellevue, WA 98008-5852  
(206) 649-7000

WA Dept. of Labor & Industries  
300 W. Harrison, Rm. 201  
Seattle, WA 98119  
(206) 281-5400

WA Department of Natural Resources  
P.O. Box 68  
Enumclaw, WA 98022  
(206) 825-1631

Puget Sound Water Quality Authority  
P.O. Box 40900  
Olympia, WA 98504  
(206) 493-9300

WA Superintendent of Public Instruction  
Old Capitol Bldg., P.O. Box 47200  
Olympia, WA 98504-7200  
(206) 753-6738

U.S. Department of Education  
Office of the Inspector General  
915 - 2nd Avenue  
Seattle, WA 98178  
Audits: (206) 553-0657  
Investigations: (206) 553-1482

Environmental Protection Agency  
Criminal Investigations  
1200 - 6th Avenue  
Seattle, WA 98101  
(206) 553-8306

Equal Employment Opportunity Commission  
2815 - 2nd Avenue, Suite 500  
Seattle, WA 98178  
(206) 553-0968

Federal Emergency Management Agency  
130 - 228th Street SW  
Bothell, WA 98021  
(206) 487-4600

U.S. Department of Labor  
Occupational Safety and Health  
1111 - 3rd Avenue, Suite 715  
Seattle, WA 98101-3212  
(206) 553-5930

National Transportation Safety Board  
19518 Pacific Highway S.  
Seattle, WA 98158  
(206) 764-3782

U.S. Department of Transportation  
Office of Inspector General  
915 - 2nd Avenue  
Seattle, WA 98178  
(206) 553-5720

SUMMARY OF PROCEDURES  
WHISTLEBLOWER ACT  
(For complete details - see Policy 13000)

The following steps should be taken in compliance with the Whistleblower Act:

REPORTING IMPROPER GOVERNMENTAL ACTION

The employee should notify his/her supervisor, the superintendent or the Human Resources Director.

An investigation will be conducted and the reporting employee will receive a summary of the results.

If the employee believes the investigation was inadequate or that insufficient action was taken, he/she may report the improper action to the appropriate government agency. However, the employee must provide a detailed written report to the superintendent prior to providing information to persons outside the local government. Exceptions will be made for emergencies defined in the Educational Service District's policy.

RETALIATORY ACTION - Procedure for seeking relief

Employees must provide written notice to the local government within thirty (30) days of the alleged retaliatory action.

The local government has thirty (30) days to respond to the allegation.

The employee has fifteen (15) days to request a hearing after receiving the government's response or after the thirty-day (30) response period has expired without a response.

If a hearing is requested, the local government must apply for a hearing before an administrative law judge within five (5) days.

At the hearing, the employee has the burden of proving the claim by a preponderance of the evidence.

## **14000 COMMUNICABLE DISEASES**

### **14100 Definition**

14110

It is the policy of Educational Service District to provide a safe environment for employees and students. As such, employees of the agency are required to know and follow "Universal Precautions" as described by the Center for Disease Control. Specific exposure control procedures which have been adopted and implemented in this agency are as follows: All employees whose tasks may expose them to blood, body fluids, or other potentially infectious materials shall be provided with a copy of the agency's Exposure Control Plan or shall have access to it and shall receive training as described herein.



## **15000 SEXUAL HARASSMENT**

### **Sexual Harassment of District Staff Prohibited**

Educational Service District 105 (“ESD”) is committed to a positive and productive working environment free from all forms of discrimination, including sexual harassment. ESD 105’s policy on sexual harassment is part of its overall efforts to provide a workplace free from discrimination and retaliation, pursuant to state and federal laws prohibiting discrimination. ESD 105 prohibits sexual harassment of employees and other persons by students, other employees, or third parties involved in ESD 105 activities. This policy is also part of ESD 105’s commitment to diversity and inclusion, and a workplace that is free from harassment, disrespect, and divisiveness.

### **General Provisions**

- This policy applies to all employees, applicants for employment, board members, managers, supervisors, interns and volunteers (whether paid or unpaid), contractors, vendors, customers and all persons who conduct business with ESD 105.
- Sexual harassment will not be tolerated. Any person covered by this policy who engages in sexual harassment or retaliation will be subject to corrective action, up to and including termination of employment.
- Sexual harassment may subject ESD 105 to liability. Harassers may also be individually liable, as can supervisors and managers who fail to take action. Covered persons who engage in sexual harassment will be subject to corrective action for such misconduct. Board members, managers, and supervisors will be subject to corrective action if they fail to take appropriate action when they receive a complaint of, observe or otherwise become aware of sexual harassment.
- ESD 105 has an obligation to investigate and conduct a prompt and thorough investigation that ensures a fair process for all parties. The ESD will keep the complaint and investigation confidential to the extent possible. Effective corrective action will occur when there is a determination that it is likely that sexual harassment occurred. All covered persons are required to cooperate with any internal investigation of sexual harassment.
- Harassing behavior need not be illegal for ESD 105 to take corrective action. ESD 105 strives to create a workplace free from disrespect, divisiveness, incivility and inappropriate behavior. Behavior that could create a harassing environment should the behavior continue or escalate will not be tolerated.
- Retaliation is prohibited. ESD 105 will not tolerate retaliation against anyone who reports or provides information about possible sexual harassment. Any board members, manager or supervisor who takes retaliatory action against anyone who has reported sexual harassment or who has provided information about possible sexual harassment will be subject to corrective action. Anyone covered by this policy who engages in retaliatory harassment will be subject to corrective action.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult or can be carried out by a group of students or adults.

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition for obtaining work opportunity or other benefit;
- sexual demands where submission or rejection is a factor in a work or other related decision affecting an individual;
- other actions not listed above could constitute sexual harassment and/or a violation of this policy and be subject to corrective action.

This definition includes many forms of offensive behavior and includes gender-based harassment of a person even when the harassment is not of a sexual nature, but rather is because of a person's gender. Sexual harassment can include language or conduct against a person of the same sex as the harasser.

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.

Sexual harassment is not limited to the physical workplace. It can occur during travel, at events sponsored by ESD 105, or via phone, text, email or social media. Such behavior can also occur outside of scheduled work time.

### **Investigation and Response**

ESD 105 will promptly investigate any reports, complaints, and grievances alleging that sexual harassment has created a hostile work, whether it comes to our attention formally or informally. If an investigation reveals that sexual harassment has created a hostile environment, the ESD will take prompt and effective steps reasonably calculated to end sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The ESD will take prompt, equitable and remedial action within its authority every time a report, complaint or grievance alleging sexual harassment comes to its attention.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, the ESD will promptly investigate to determine what occurred and take appropriate steps to resolve the situation to the extent that such investigation does not interfere with an on-going criminal investigation. A criminal investigation does not relieve the ESD of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or third parties. Anyone else who engages in sexual harassment on ESD property or at ESD activities will have their access to ESD property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. ESD 105 will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline

### **Staff Responsibilities**

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy.

Any ESD 105 board member or employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the appropriate ESD 105 personnel, including the Compliance Officer, of the complaint or reports. All staff are also responsible for directing complainants to the formal complaint process.

### **Notice and Training**

The superintendent will develop procedures to provide information and education to ESD staff and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each ESD building in a place available to staff, parents, volunteers and visitors. Information about the policy and procedure will be provided to each employee and reproduced in each staff and volunteer handbook. Such notices will identify the ESD's Compliance Officer and provide contact information, including the Compliance Officer's email address.

### **Policy Review**

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, volunteers and parents in the review process.

Legal References:                   RCW 28A.310.220  
  RCW 28A.640.020  
  WAC 392-190-058 Sexual harassment  
  20 U.S.C. 1681-1688

Approved by Board: 10/29/2019

## **15300 Process**

### **15310**

When an employee thinks he/she is being sexually harassed, the employee is encouraged, though not obligated, to let the offender know immediately and firmly that the behavior is unwanted and unwelcome. The employee may consult with his/her supervisor, an Educational Service District administrator, the Human Resources Director or the Superintendent with whom he/she feels comfortable in discussing the matter. As a result of this informal conference, the Educational Service District will begin action to resolve the alleged harassment on an informal basis. If the complaint cannot be resolved informally, the notification procedures incorporated in policies 15330 and 15340 will be followed.

### **15320**

If the employee chooses not to confront the offender, or if after doing so, the sexual harassment continues or the problem is not resolved, the employee must officially notify his/her immediate supervisor, the Human Resources Director or the Superintendent.

### **15330**

Supervisors who receive notification or personally observe sexual harassment must take immediate action to stop it and promptly report the matter to the Human Resources Director or the Superintendent.

### **15340**

Upon receipt of a complaint, the Human Resources Director or Superintendent will promptly carry out a thorough investigation and will endeavor to protect the rights of both the complainant and the alleged harasser while doing so. All such complaints will be treated in the strictest confidence (legal reference – RCW 46.60 Law Against Discrimination).

### **15350**

Any employee who has been found, after appropriate investigation, to have been in violation of this policy will be subject to disciplinary action up to and including discharge (in accordance with Policy 8000, Section 8400).

### **15360**

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

### **15370**

Retaliation by the harasser or other staff against employees reporting sexual harassment will not be tolerated and appropriate disciplinary action will be taken.

## **15400 Maintaining Professional Staff/Student Boundaries**

15410

The Board of Directors recognizes that to protect students all Educational Service District employees and volunteers are expected to maintain the highest professional, moral and ethical standards and maintain an atmosphere conducive to learning. Discipline shall be consistently and fairly applied, professional boundaries established and maintained, students protected from inappropriate conduct by adults and other young people.

15420

Staff and volunteers shall not intrude on a student's physical and emotional boundaries through inappropriate touching or other interactions unless the intrusion is clearly necessary to serve an educational purpose or to protect the physical, mental, emotional health and safety of a student. An educational purpose is one that is consistent with the staff member's or volunteer's duties and the educational mission of the Educational Service District. Additionally, Educational Service District employees and volunteers are expected to be sensitive to the appearance of impropriety in their own conduct and the conduct of other staff and students when interacting with students. Whenever staff members or volunteers suspect or are unsure whether conduct is appropriate or constitutes a violation of this policy, they are expected to consult with their supervisor.

15430

While the use of technology for educational purposes is supported, staff members are prohibited from inappropriate text messaging, online socializing, or from engaging in any conduct on social networking web sites that violate the law, Educational Service District policies or other generally recognized professional standards.

15440

Employees whose conduct violates this policy may face disciplinary action and/or termination consistent with Educational Service District policies, rules, regulations and acceptable use agreements.

15450

The superintendent or designee shall ensure that procedures and staff protocols for reporting and investigating allegations are developed and that the necessary training to accompany this policy occurs.

Approved by Board: 11/16/10

## **16000 CELLULAR TELEPHONES**

### **16100 Purpose**

16110

**Business Use:** Educational Service District 105 owned cellular phones are intended to be used exclusively for Educational Service District business. Calls to an employee's home, family, child care provider or similar persons when the employee is required to work extended hours and all emergency calls regarding personal injury or property damage shall be considered an Educational Service District business call.

**Personal Use:** Employees are discouraged from using Educational Service District owned cellular phones for personal use. If an employee chooses to use an Educational Service District owned cellular phone for personal use (excluding exceptional emergency circumstances) they are obligated to reimburse the voice and text portion of the plan in its entirety.

### **16200 Use of Cell Phone while Driving**

Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance.

Employees shall not use hand held cell phones while driving in the conduct of official Educational Service District business and/or job related activities. Should an employee need to make a call while driving, they should locate a lawfully designated area to park and make the call or use a hands-free speaking device such as a speakerphone/earpiece.

Employees whose job responsibilities include driving as part of their official Educational Service District business and/or job related activities will be provided hands-free equipment to facilitate the provisions of this policy.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline.

Approved by Board: 2/17/09

## **17000 TECHNOLOGY AND ELECTRONIC RESOURCES**

The ESD105 maintains a computer network and electronic communication system to achieve our educational mission, goals, and objectives. This system allows unprecedented opportunities for students, staff, and patrons access to the resources of the Internet, allowing the opportunity to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The Board believes that the resources available through this network and the skills that staff and students will safely develop in using them are of significant value in the learning process and student success in the future.

By the creation of this network, the Board intends only to provide a means for educational activities and does not intend it to be a first-amendment forum for free expression purposes. The ESD 105 dedicates the property comprising the network, and grants access to it by users, only for the educational and program support activities authorized under this policy and procedures and under the specific limitations contained therein. Staff and students of the Educational Service District shall use this resource in a professional manner consistent with meeting our educational mission.

The Board anticipates that new technology will expedite the sharing of effective practices and lessons across the ESD 105 region and will help staff stay on the leading edge of practices by forming partnerships with others across the nation and the world. As students and staff members connect to the global community, their use of these new tools and systems brings about new opportunities. These new opportunities also pose many new challenges including, but not limited to, access for all students, age-level appropriateness of material, security, and the cost of maintaining ever more elaborate systems. The ESD 105 will endeavor to ensure that these concerns are appropriately addressed, but cannot insure that problems will not arise. To help insure student safety and citizenship in online activities, all students using ESD 105 technology or electronic resources will be educated about appropriate behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

The Board directs the Superintendent to provide training and procedures that encourage the widest possible access to electronic information systems and networks by students, staff, and patrons, while establishing reasonable controls for the lawful, efficient, and appropriate use and management of the system.

Approved By Board: 8/21/12

## **17000-P Technology and Electronic Resources**

### **Information System (Network)**

- 1) All use of the system must be supportive of education and research and be consistent with the mission of the ESD105 and its member districts. The ESD105 reserves the right to prioritize use and access to the system.
- 2) Any use of the system must conform to state and federal law, network provider policies and licenses, and ESD105 policy. Use of the system for personal gain, commercial solicitation and compensation of any kind is prohibited. Use of the system for charitable purposes must be approved in advance by the Superintendent, or designee.
- 3) The system constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.
- 4) No use of the system shall serve to disrupt the operation of the system by others; system components, including hardware or software, shall not be destroyed, modified, or abused in any way.
- 5) Malicious use of the system to develop programs that harass other users or that gain unauthorized access to any computer or computing system and/or damage the components of a computer or computing system is prohibited, including but not limited to:
  - A) hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software, and monitoring tools;
  - B) unauthorized access to other ESD105 computers, networks and information systems; or,
  - C) downloading and installation/use of games, or other software applications (including shareware and freeware) without permission or approval from the Technology Services Department or designee.
- 6) Streaming media from the Internet can sometimes be an impact on network performance. Care should be taken by users to ensure their use is limited to support of ESD105 functions.
  - A) Users are responsible for the appropriateness and content of material that they transmit or publish on the system. Hate mail, harassment, discriminatory remarks, or other antisocial behaviors are expressly prohibited, including but not limited to: Cyber bullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks.
  - B) Use of the system to access, store, or distribute obscene, pornographic or sexually explicit material is prohibited.
- 7) Attaching unauthorized devices to the ESD105 network is prohibited.

### **Network Security**

Users are responsible for the security of their password(s) for their network login, any electronic mail, software applications and internet access. Users shall use a password and keep it secure to prevent unsafe and unnecessary disclosure of their password.

Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the system, or attempt to gain unauthorized access to the system.

### **E-Mail**

The primary use of email is to facilitate the timely and efficient conduct of ESD105 business and to facilitate the free exchange of business related communications and ideas between staff.



## **Filtering and Monitoring**

Filtering systems are installed on the network to block access to that which has been deemed inappropriate for a school or office environment. Internet locations that are blocked by this system may include web sites or services that allow access to visual depictions that are obscene or objectionable so that ESD105 may be in compliance with the Children's Internet Protection Act (CIPA). Some ESD105 sites may have filtering such that only "white-listed" internet locations are allowed and all other access is blocked.

- 1) Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites.
- 2) Any attempts to defeat or bypass the ESD105's Internet filter or conceal Internet activity are prohibited: proxies, https, special ports, modifications to the ESD105 browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content.
- 3) E-mail inconsistent with the educational and research mission of the ESD105 will be considered SPAM and blocked from entering district e-mail boxes.
- 4) Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively.

## **Copyright**

The ESD105 is responsible for consequences of copyright infringement and reserves the right to discipline system users for infringements. Users should assume that all Internet material is copyrighted and federal copyright law must be respected unless permission to copy is included on the web site. Users may not reprint or distribute without permission of the author.

The unauthorized installation, use, storage, or distribution of copyrighted software or materials on ESD105 electronic devices is prohibited.

## **Ownership of Work**

All work completed by staff/contractors while employed by the ESD105 shall be considered property of the ESD105. The ESD105 will own any and all rights to such work, including any and all derivative works, unless a written agreement prescribes otherwise.

## **General Use**

- 1) Diligent efforts must be made to conserve system resources. For example, users should frequently delete email and unused files.
- 2) Software shall only be installed by Technology Services personnel. Installation of personally-owned software or purchase of software by anyone other than Technology Services is strictly prohibited. (see *Technology Request Form 17000-F2*)
- 3) Purchases of technology equipment shall be approved by Technology Services prior to purchase. (see *Technology Request Form 17000-F2*)
- 4) A signed *Staff Network User Agreement Form* must be on file with the ESD105 (see Form 17000-F1). All users are strongly encouraged to seek out training in the use of the system if they find that they are in any way uncomfortable with the technology.
- 5) Employees may not use ESD105 resources (including any person, money, or property) under their official control or direction or in their custody, for personal benefit or gain, or for the benefit or gain of any other

individuals or outside organizations. This prohibition does not apply to the use of resources that are reasonably related to the conduct of official ESD105 duties or the use of resources that promote organizational effectiveness or enhance job-related skills and do not interfere with the employee's performance of official ESD105 duties. Using ESD105 property for private financial gain may be a misappropriation of state funds, could enable ESD105 employees to compete unfairly with private businesses, and may result in disciplinary action.

- 6) Personal use of ESD105 resources, computers, equipment, or consumables that have been removed from the ESD105 or other official duty stations, is not permitted even if there is no cost to the ESD105 (e.g., use of ESD105 tools or equipment for home improvement projects), unless a specific written permission has been provided by the Superintendent.

## **Right of Inspection**

In making a decision to use ESD105 equipment/electronic resources, employees are reminded that there is no expectation of privacy. The ESD105 reserves the right to monitor, inspect, copy, review and store without prior notice information about the content and usage of:

- A) the network, including desktop computers, laptop computers and mobile devices;
- B) user files and disk space utilization;
- C) user applications and bandwidth utilization;
- D) user document files, folders and electronic communications;
- E) e-mail;
- F) Internet access;
- G) facsimile transmissions;
- H) voicemail; and,
- I) any and all information transmitted or received in connection with network and email use.

The use of any ESD105 technology and/or electronic resource is consent to the ESD105 Superintendent, or designee, to inspect, use or disclose any electronic mail or other electronic communication and/or data without further notice. There is no expectation of privacy.

The ESD105 reserves the right to disclose any electronic messages to law enforcement officials or third parties as appropriate. All documents are subject to the public records disclosure laws of the State of Washington.

## **Mobile Computing Devices (e.g. smart phones, ipads)**

Because technologies evolve and change so quickly, the lines between personal and work use of sophisticated devices such as iPads, tablets and "smart" devices are muddled. The ESD105 is supportive of the educational and professional use of these devices as they become available; however, users must be aware that new technology such as iPads and "smart" phones and any other computing or data devices are subject to all ESD105 policies and procedures.

A signed *Mobile Computing Device Agreement* (see Form 17000-F3) must be on file with the ESD105 before a device will be issued.

## **Mobile Applications**

- 1) Mobile applications must be purchased for each individual mobile device unless it is purchased through a "volume" purchase program
- 2) Applications for mobile devices must be approved by the employee's supervisor prior to installation on any mobile device. (see *Technology Request Form* 17000-F2).

- 3) Mobile applications are the property of ESD105 and must be purchased through an ESD105 account (e.g. iTunes).
- 4) Mobile applications which are added to mobile devices via personal accounts may be removed from ESD105 devices if they do not conform to the ESD105 policies. ESD105 will not be responsible for any harm, financial or loss of use, resulting from the removal of unauthorized or non-policy conforming applications.

### **Data Confidentiality**

Mobile computing devices, laptops, USB thumb drives and PDA's (personal digital assistants) pose a data security risk as they may store confidential data. Confidential data are defined by applicable state and Federal laws (FERPA/HIPPA).

- 1) Laptops storing confidential data shall have whole disk encryption. Portable storage devices storing confidential data, such as USB thumb drives or portable hard drives, shall have whole device encryption. PDA's shall have whole device encryption or the ability to "wipe" the contents of the device remotely.
- 2) Confidential data are restricted to ESD105 computers or storage devices. Confidential information shall not reside on an employee's personal (home) computer or personal storage devices.
- 3) Confidential data archived to, or stored on, CD's, DVD's, tapes, or other removable electronic media shall remain in a locked enclosure in the ESD105 building or a secured offsite storage facility.
- 4) Electronic transmittal of documents containing confidential information shall be by secure means, either encryption of the documents or through a secure file transfer mechanism.
- 5) Loss or theft of a device containing confidential information shall be immediately reported to the employee's supervisor and the Technology Services Department.

### **Social Networking Services**

The ESD105 views the use of Social Networking Services (SNS) as a personal activity. Posting to social networks (e.g., blogs, Wikis, Facebook, Twitter, LinkedIn), texting, and/or picture sharing that contains information related to the conduct of ESD105 business are subject to disclosure through a public records request, and as such are prohibited on ESD105-provided and personal technology (including personal computers, cellular telephones/MCDs, etc.) due to the limited ability to access such records. The only exceptions are social network postings on official ESD105- sanctioned accounts. The following guidelines should be noted by ESD105 staff when using SNS:

- A) Personal blogs and SNS writings are not to mention /reference work-related topics.
- B) Only the Superintendent may, in writing, designate that a SNS and its author be granted permission to represent the views of the ESD105.

### **Disciplinary Action**

All users of the technology systems are required to comply with ESD105's policy and procedures. Violation of this and other ESD105 policy and procedures could be cause for disciplinary actions which may include revocation of technology system use privileges, suspension, expulsion, or termination. Additional disciplinary action may be determined in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved.

Approved by Board: 8/21/12

## **17001 STUDENT USE OF TECHNOLOGY AND ELECTRONIC RESOURCES**

The Board recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. Therefore, ESD105 may use technology and electronic resources as a powerful and compelling means for students to learn in relevant ways.

The Board also believes that students need to be proficient and safe users of information, media, and technology to succeed in a digital world. To help ensure student safety and citizenship in online activities, all students who use the ESD105 network will be educated about appropriate behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

The Board directs the Superintendent to provide training and procedures that encourage the widest possible access to electronic information systems and networks by students, staff, and patrons, while establishing reasonable controls for the lawful, efficient, and appropriate use and management of the system.

Approved by Board: 8/21/12

# **17001-P Student Use of Technology and Electronic Resources**

## **K-20 Network/Internet Safety Requirements**

These procedures are written to support the Technology and Electronic Resources Policy 17000 of the Board and to promote positive and effective digital citizenship among students and staff. Digital citizenship represents more than technology literacy. Successful, technologically-fluent digital citizens live safely and civilly in an increasingly digital world. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career. Expectations for student and staff behavior online are no different from face-to-face interactions.

## **Internet Safety Instruction**

All students served in ESD105 programs who are provided internet access will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. Training on online safety issues and materials implementation will be made available for administration, staff and families.

## **Student Personal Security**

1. Personal information such as addresses and telephone numbers should remain confidential when communicating on the system. Students should never reveal such information without permission from their teacher(s) or other authorized adult(s). No user may disclose, use, or disseminate personal identification information regarding minors without authorization.
2. Students should never make appointments to meet people in person whom they have contacted on the system without member district, ESD105, and parent/guardian permission.
3. Students should notify their teacher(s) or other authorized adult(s) whenever they come across information or messages they deem dangerous or inappropriate on the web or when using electronic mail, chat rooms, and other forms of direct electronic communications (including but not limited to Instant Message services).

## **Filtering and Monitoring**

Filtering systems are installed on the network to block access to that which has been deemed inappropriate for a school or office environment. Internet locations that are blocked by this system may include web sites or services that allow access to visual depictions that are obscene or objectionable so that ESD105 may be in compliance with the Children's Internet Protection Act (CIPA). Some ESD105 sites may have filtering such that only "white-listed" internet locations are allowed and all other access is blocked.

1. Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites.
2. Staff members will, to the best of their ability, monitor minors' use of the Internet in the program site and will take reasonable measures to prevent access by minors to inappropriate material on the Internet and World Wide Web and restrict access to materials harmful to minors.
3. Staff members who supervise students, control electronic equipment or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the district.

4. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively.

### **Social Networking Services**

The ESD105 views the use of Social Networking Services (SNS) as a personal activity. Posting to social networks (e.g., blogs, Wikis, Facebook, Twitter, LinkedIn), texting, and/or picture sharing are prohibited on ESD105 provided and personal technology (including personal computers, cellular telephones/MCDs, etc.).

### **Disciplinary Action**

All users of the technology systems are required to comply with ESD105's policy and procedures. Violation of this and other ESD105 policy and procedures could be cause for disciplinary actions which may include revocation of technology system use privileges, suspension, expulsion, or termination. Additional disciplinary action may be determined in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved.

Approved by Board: 8/21/12

## **18000 CHILD ABUSE, NEGLECT AND EXPLOITATION PREVENTION**

Child abuse, neglect and exploitation are violations of children's human rights and an obstacle to their educational development. The Educational Service District directs that staff shall be alert for any evidence of such abuse, neglect or exploitation.

RCW 26.44.030 requires that Educational Service District employees report any child abuse or neglect which is brought to their attention during the course of their work.

Approved by ESD 105 Board  
February 19, 2008

## **19000 PUBLIC RECORDS AND RECORDS RETENTION**

### **19100 Public Records Disclosure and Inspection**

#### 19110

The Educational Service District maintains and makes available for public inspection and copying those public records referred to under RCW 42.56. The Educational Service District does not make available for public inspection and copying those documents referred to under RCW 42.56.210. All requests for public documents are referred to the Superintendent or public records officer.

#### 19120

All Educational Service District 105 public records subject to RCW 42.56 are available for public inspection during regular working hours. All requests for public inspection or reproduction are fulfilled promptly unless such requests unreasonably disrupt the operations of the Educational Service District. In cases where disruption of operations occurs, the information is made available or copied within a reasonable period of time. Arrangements for any inspection must be scheduled at a time mutually agreed upon by the requester and Educational Service District 105. Under no circumstances are official public records to be removed from the Educational Service District premises.

#### 19122

A requester must claim or review the assembled records within 15 days of Educational Service District 105's notification to him or her that the records are available, unless a longer time span is provided by the ESD 105 public records officer. A requester must also respond to any request by Educational Service District 105 for clarification within 15 days if a portion of a request is unclear. If within the 15-day period the requester withdraws the request, fails to fulfill his or her obligations to inspect the records, fails to supply payment for copies of the requested materials, or fails to provide a clarification of a request, Educational Service District 105 will close the request.

#### 19130

The Educational Service District, when complying with public disclosure requests, will charge fees that are allowable by state law pursuant to RCW 42.56.070 and RCW 42.56.120. A statement of the actual per page cost or other costs, if any, charged for providing photocopies of public records, a statement of the factors and manner used to determine the actual per page cost or other cost is available for public inspection at the Educational Service District office.

#### 19131

All other direct costs for duplication are charged to the requester in the same amount as incurred by the Educational Service District. Educational Service District 105 requires a requester to provide payment in full for receiving any public records provided as photocopies or transferred to any electronic form, and for exact shipping costs as calculated and incurred by the agency.

#### 19140

Educational Service District denial of requests for inspection and/or copies must be accompanied by a written statement of the specific reasons for denial. Any individual receiving a denial may request a review of the denial by submitting a Review of Denial of Public Records Form. This form is submitted to the Superintendent or designee and a final Educational Service District decision is made by the end of the second business day following the submission of the Review of Denial of Public Records Form, in accordance with RCW 42.56.520.



## **19200 RECORD RETENTION**

19210

Pertinent records shall be retained in accordance with the General Records Retention Schedule for School Districts and Educational Service Districts in Washington State, as published by the Office of Secretary of State.

19220

Retention of any e-mails in accordance with the above for an extended period of time shall either be (1) printed and physically filed in such a way that they will be easily retrievable or (2) saved directly into archive e-mail folders on the ESD 105 email server for storage and retrieval pursuant to established procedures.

19230

When disposing of records it no longer needs to retain, ESD 105 will take all reasonable steps to destroy, or arrange for the destruction of, personal financial and health information and personal identification numbers issued by government entities in an individual's records within its custody or control when the entity is disposing of records, in accordance with RCW 19.215.020. For the purpose of this policy, "destroy personal information" means shredding, erasing, or otherwise modifying personal information in records to make the personal information unreadable or undecipherable through any reasonable means.

Board Approved:  
August 27, 2019

## 19000-P Public Records

The following procedures shall be used to carry out the ESD 105's policy regarding public access to ESD 105 records.

**Public Records Officer:** In accordance with ESD 105 Policy 19110, the superintendent has delegated the responsibility of the Public Records Officer to the Public Information Officer. This position will permit access to or provide copies of ESD 105 records to the public in compliance to the ESD 105 Policy 19100.

1. ESD 105 must publish contact information in the state register.
2. ESD 105 must make contact information reasonably available.
3. Public Records Officer will inform superintendent of every public records request as received.

(In the event the Public Records Office is not available the Executive Assistant, Chief Financial Officer, or Human Resources Director may handle a request.)

**Display of Descriptions, Policies, and Procedures:** The Public Records Officer shall compile, prominently display, and make available the following for inspection and copying by the public at the ESD 105 main office:

1. descriptions of the ESD 105's organizational structure;
2. descriptions or statements of the general course and method by which the ESD 105 operates;
3. descriptions of how, where, and from which employees the public can obtain information and copies of public records (this policy and procedure).

The public records officer shall update the displayed materials identified above whenever an item is amended, revised, or repealed.

**Index of Certain Records:** Because of the tremendous volume and diversity of records continuously generated by Educational Service District 105, the Board has declared by formal resolution that trying to maintain a current index of all of the agency's records would be impracticable, unduly burdensome, and ultimately interfere with the operational work of the agency.

### Fees for Public Records Requests

Upon request, the ESD 105 shall make copies of public records for a per page fee established by the Chief Financial Officer annually in addition to the actual cost of postage and an envelope, if any. This rate will be reviewed annually and adjusted as appropriate.

If the public records officer determines that the fee for a request is nominal, he/she may decide to waive the cost.

ESD 105 will document on the Public Records Request Log, the time spent and cost of responding to each request, and special circumstances or occurrences.

### Requests for Inspection and Copying:

Upon request, ESD 105 shall make available to any person for inspection or provide a copy of any record or records in compliance with ESD 105 Policy 19100.

1. A Request for Public Record Form is recommended to be filled and completed for each record request and forwarded to the public records officer, who will be responsible for responding to the request and

for keeping it on file. This form includes contact information for the requester, nature of the request and a summary of the cost for the request.

- a. A number shall be assigned to each request beginning with yyyy-1 and follow sequentially.
  - b. The requests shall be recorded on the Public Record Request Log and kept in a file with the details of the request.
  - c. A records request may be accepted verbally, the Public Records Officer will document the request on the Public Records Request Form and indicate the information was taken verbally (no signature would be required).
2. An acknowledgement of a request for inspection and/or copying of ESD105 records shall be provided within five business days. ESD 105 may respond by providing the requested record(s), denying the request, acknowledging receipt of the request and providing a reasonable estimate of the time the ESD 105 will be required to respond (usually a minimum of 45 days), or asking for clarification.
    - a. Any denial of a request shall contain an explanation of the statutory basis of the denial.
    - b. If a record contains non-disclosable information, ESD 105 shall disclose the record with the non-disclosable portion deleted and provide a written explanation of the statutory basis for the deletion.
  3. Staff shall provide full assistance to the public records officer making inquiries or requests related to ESD 105 records. Staff shall locate and produce for inspection requested records that are not exempt from disclosure and have been sufficiently identified in a request for inspection.
  4. If a requested record contains personally identifiable information about a person, prior to release the person may be notified of the request and ESD 105's intended response.
  5. To fulfill a request, the Public Records Officer shall provide the requester with a cover letter outlining the contents of the response to include:
    - a. reference to the initial request;
    - b. list of documents provided;
    - c. list of documents exempt or redacted along with the statute authorizing the withholding; and
    - d. cost for copying, mailing and any containers used to meet the request.
  6. Requests for public records may be obtained between the normal working hours of ESD 105, being 7:30 a.m. – 4:30 p.m., Monday-Friday, except for agency holidays. The public records officer shall have authority to impose reasonable conditions on the manner of inspection of records so as to minimize the risks of damage or disorganization of the records and to prevent excessive interference with other essential operations of ESD 105.

## **20000 VOLUNTEERS**

### **20100**

The Educational Service District recognizes the valuable contribution made to its programs through volunteer assistance. In working with volunteers, staff shall clearly explain to the volunteer what activity or service they will perform for a specified time period.

### **20200**

The Superintendent shall be responsible for developing and implementing procedures for the volunteer program, including recruitment, selection, training, and recognition of volunteers.

Approved by ESD 105 Board  
May 19, 2009

## **20000-P Volunteers**

The following process will be used in the recruitment, selection, training, use and recognition of volunteers.

Staff should request through their Program Director for the voluntary help of citizens to conduct selected activities and/or to serve as resource persons. The use of volunteers must be approved by the Program Director, Human Resources and the Superintendent.

Volunteers are not to provide services for ESD 105 until the following recruitment and selection processes are complete. ESD will make every effort to fill a request for volunteers within 30 days from the date the "Request for Volunteer Services" form is completed and approved.

Volunteers are not covered by the ESD 105 Labor and Industries Workers Compensation Program.

### **Recruitment**

1. An ESD 105 employee desiring services of a volunteer will complete a Request for Volunteer Services and have it signed by their Program Director. The form will then be sent to Human Resources. When the form has been received and reviewed by Human Resources and approved by the Superintendent, the Program Director will get a copy back.
2. Volunteers may be recruited by a staff member or a staff member may request support from Human Resources in recruiting a volunteer.
3. All volunteers will be required to complete a Volunteer Applicant Information form and a Background Check Information for Volunteers form. If the volunteer is under the age of 18 years old, they are required to complete the Permission Form for Background Check on Volunteers under 18 years of age.

### **Selection**

1. Volunteers will go to the Human Resources Department to complete the Volunteer Applicant Information form and Background Check Information for Volunteer form. Volunteers under the age of 18 years old are required to return a completed and signed permission form to the Human Resources Department before a background check will be run.
2. Once the forms have been completed and received by Human Resources, they will be reviewed and a background check of the applicant will be conducted through the Washington State Patrol and FBI using the Live Scan fingerprint process at ESD 105. Departments requesting the volunteer(s) will be responsible for payment of the fingerprint processing charges that apply.
3. The Human Resources Director will notify the Program Director when the screening has been completed. If the screening is successful, the volunteer can be notified and a start date determined.
4. If a problem arises in the screening process concerning the volunteer, the Human Resources Director will notify the Superintendent. If necessary, the Human Resources Director will meet with the volunteer to discuss the results of the screening.
5. The Program Director will be notified of the outcome.

## Use

### Volunteers shall:

1. Know who they report to within the agency as the ESD 105 employee responsible for supervising their volunteer activities and services for ESD 105.
2. Understand they serve in the capacity of helpers and are not assigned to roles that employees perform.
3. Understand that they need to protect confidentiality as required.
4. Understand that they need to refer to regular staff members for final solutions if problems should arise.
5. Receive such information as:
  - a. general responsibilities and limitations.
  - b. information about departmental routines, procedures and safety.
  - c. volunteer work schedule and location of work.
  - d. expectations as far as relationship to regular staff.
6. Have their assignments and activities defined in writing.
7. Understand that their services can be terminated for the reasons below:
  - a. program completion
  - b. their own decision
  - c. other circumstances which, in the judgment of the ESD 105 administration, may necessitate terminating the services of the volunteer.
8. Volunteers must use approved ID badges at all times.

## Training

Program staff will identify appropriate tasks for volunteers and will plan, if necessary, inservice training for them, so they may become skilled in performing these tasks.

## Documentation of Service and Recognition

For the purpose of the agency's insurance program, for accountability purposes, and to aid in the compilation of volunteer hours for reporting in support of the recognition program, volunteers will be required to document each day of service by completing a Volunteer Monthly Service Record form.

The Volunteer Monthly Service Record form shall be turned in at the end of each month to the Human Resources Director, if volunteer services are provided. Completion and submission of the report is the responsibility of the Program Director.

ESD 105 will hold an annual recognition for volunteers who have served within the agency.



## 20000-F2 Volunteer Applicant Information



### Volunteer/Intern Applicant Information

(This form is for volunteer/intern services only and not a job application.)

*Thank you for your interest in volunteer/interning with ESD 105. We appreciate the efforts of volunteer/interns and realize the valuable contribution they can make to our organization.*

Date form completed: \_\_\_\_\_

Name of volunteer/intern applicant (please print): \_\_\_\_\_

First Middle Last

Present Address: \_\_\_\_\_ Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone Number: (\_\_\_\_) \_\_\_\_\_ Day Phone Number: (\_\_\_\_) \_\_\_\_\_

#### **Please answer the following questions.**

What ESD 105 department would you like to volunteer/intern/intern in? \_\_\_\_\_

Name of ESD 105 employee who would supervise your volunteer/intern work: \_\_\_\_\_

What type of activity would you like to perform as a volunteer/intern? \_\_\_\_\_

What skills or experiences do you possess that would be beneficial to you in your volunteer/intern work?

What experience (s) have you had volunteer/interning. Please give name of organization(s) and activity?

Have you ever worked for a public school district?  Yes  No

If so, what school district? \_\_\_\_\_ Dates of Employment: \_\_\_\_\_

Will you be working with children while volunteer/interning?  Yes  no

If so, what age group(s)? \_\_\_\_\_

Why are you interested in volunteering/interning with ESD 105? \_\_\_\_\_

How did you find out about a volunteer/intern opportunity with ESD 105: \_\_\_\_\_

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of ESD 105 employee receiving completed form: \_\_\_\_\_ Date \_\_\_\_\_



## 2000-F3 Background Check Information for Volunteer/Intern

### Background Check Information for Volunteer/Intern

Completion of this form is a prerequisite for selection as a volunteer/intern. Birth Date is required. A background check will be processed through the Washington State Patrol and FBI using a fingerprint verification system.  
**THIS IS NOT A JOB APPLICATION.**

Name of volunteer/intern applicant (please print): \_\_\_\_\_  
 Date form completed: \_\_\_\_\_ Birth Date: \_\_\_\_\_  
 Other names under which records may be listed: \_\_\_\_\_  
 Present Address: \_\_\_\_\_ Apt. #: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone Number: (\_\_\_\_) \_\_\_\_\_ Message Phone: (\_\_\_\_) \_\_\_\_\_  
 ESD 105 Location/Department for which you would like to volunteer/intern in: \_\_\_\_\_

**Answer yes or no to each item below.** If you answer yes to any item listed, explain by indicating the charge or finding, date, and court(s) involved. If additional space is needed, use the back of this form.

Have you ever been: **No**  
**Yes**

1.	Convicted of any crime? (This includes traffic violations.) If yes, specify:		
2.	Convicted of any crime against children or other persons? If yes, specify:		
3.	Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult? If yes, specify:		
4.	Found in any <b>dependency action</b> under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor? If yes, specify:		
5.	Found by a court in <b>domestic relations, proceeding under Title 26 RCW</b> , to have sexually abused or physically abused any minor, or to have physically abused any minor? If yes, specify:		
6.	Found in any <b>disciplinary board</b> final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult? If yes specify:		
7.	Found by a <b>court in a protection proceeding</b> under Chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult? If yes specify:		
8.	Are you presently charged with or under investigation regarding, but not convicted of, any of the offenses described in questions 1-7? If yes, specify:		
10.	Have you entered into any settlement agreement with any school district involving your employment at that school district? If yes, specify:		
11.	Have you ever had a Teaching Certificate suspended or revoked? If yes, specify:		

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (Pursuant to RCW 9A.72.085)

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_



# 20000-F5 Volunteer Monthly Service Record



## Volunteer Monthly Service Record

Volunteer's Name: \_\_\_\_\_ Month/Year \_\_\_\_\_

Department: \_\_\_\_\_

Month/Year DAY	Volunteer Activity	Hours	Volunteer's Initials	Supervisor's Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
<b>Total Hours of Volunteering</b>				

**Volunteer's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

HR Dept. 3/9/09

Cabinet Approved: 4/7/09

# 20000-F5 Volunteer Accident Report

**ACCIDENT -- INCIDENT -- INJURY REPORT**  
**For Volunteers/Contractors/Guests/Interns**  
**(not for ESD 105 employees)**  
***THIS IS NOT A WORKER'S COMPENSATION CLAIM FORM***

**ESD Building:** \_\_\_\_\_ **Department:** \_\_\_\_\_

**WHO:** NAME OF PERSON INJURED / ILL: \_\_\_\_\_

CHECK ONE: [ ] VOLUNTEER [ ] CONTRACTOR ( ) GUEST ( ) INTERN

**OCCUPATION:** \_\_\_\_\_ **IMMEDIATE SUPERVISOR:** \_\_\_\_\_

**WITNESSES or OTHER PEOPLE INVOLVED:** \_\_\_\_\_

PLEASE IDENTIFY OTHERS by NAME and INVOLVEMENT, such as JOHN JONES, WITNESS; JANE JONES, OTHER DRIVER

**WHEN:** DATE \_\_\_\_\_ TIME \_\_\_\_\_ AM \_\_\_\_\_ PM

**REPORTED to:** \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ AM \_\_\_\_\_ PM  
NAME, TITLE, TELEPHONE NUMBER

**WHERE:** \_\_\_\_\_  
EXACT LOCATION

**WHAT:** Describe the circumstances, surroundings, events, and behaviors leading up to the accident/ incident/injury. Use back of sheet, if necessary, to describe or draw a diagram to help explain. \_\_\_\_\_

Were you injured? [ ]Yes [ ]No Describe your injury, including all body parts affected, and specify Right Side or Left Side: \_\_\_\_\_

Describe any other results of the incident you think are important, including injury to others, property damage, etc. \_\_\_\_\_

**WHY:** Explain, as best you can, why it happened. \_\_\_\_\_

Explain, as best you can, why the causes were present: \_\_\_\_\_

**HOW** do you recommend that recurrence or similar incidents be prevented? \_\_\_\_\_

**COMMENT:** Anything else you think is important, or you want us to know: \_\_\_\_\_

\*\*\*\*SIGN and DATE:\*\*\*\*

**PERSON MAKING REPORT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SUPERVISOR:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**\*\*SEND COMPLETED ORIGINAL FORM TO THE HUMAN RESOURCES DIRECTOR\*\***

## **21000 RISK MANAGEMENT**

The Board believes ESD105 must identify and measure risks of loss due to the damage or destruction of ESD105 property or to claims against ESD105 by others claiming to have been harmed by the action or inaction of the ESD105, its officers, or staff. A risk management program shall be implemented to reduce or eliminate risks where possible, to determine which risks ESD105 can afford to assume and to transfer to an insurance company those risks which the ESD105 does not wish to assume or cannot economically afford. Such a program shall consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-funding, joint self-insuring, or joint employment of a risk manager. The Superintendent shall assign the primary responsibility for the administration and supervision of the risk management program to a single person. ESD105 will make available to claimants its standard tort claim form.

ESD105 shall minimize its risk of equipment/property loss by requiring its staff to take reasonable precautions to protect all equipment/property and supplies. This will minimally include limiting the use of ESD105 property/supplies to specific job-related purposes. Further, staff are not to keep ESD105 equipment/property in automobiles unless they are physically present.

Unless provided in other insurance arrangements, ESD105 shall purchase and pay for bonds for the Superintendent, Chief Financial Officer, and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of ESD105 financial operations. Such bonds may include a deductible proviso not to exceed two percent of the employee's annual salary.

### Legal References:

RCW 4.96.020	Tortious conduct of local governmental entities and their agents — Claims — Presentment and filing — Contents
RCW 28A.310.220	ESD board — Delegation of powers and duties to superintendent.
RCW 28A.320.100	Actions against officers, employees or agents of school districts and educational service districts — Defense, costs, fees — Payment of obligation
RCW 28A.320.060	Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless
RCW 28A.400.350	Liability, life, health, health care, accident, disability and salary insurance authorized — Premiums
RCW 28A.400.360	Liability insurance for officials and employees authorized
RCW 28A.400.370	Mandatory insurance protection for employees
RCW 48.22	Casualty Insurance
RCW 48.62	Local government insurance transactions

Board Approved: 2/21/12

## 21000-P Risk Management

### A. The risk manager shall:

1. File the identification and location of agent form with the county auditor.
2. Report to the superintendent situations where he/she feels ESD105 faces the greatest potential liability, the changes he/she feels should be made to reduce the risk and the estimated cost of such changes.
3. Examine the feasibility of and conduct in-service education classes for staff in areas where he/she feels risk is great or can be lessened.
4. Assume responsibility for ESD105's insurance program.
5. Review annually the insurable value of ESD105's buildings and equipment and report to the superintendent.
6. Supervise an annual inventory of all real property and equipment, preparing the inventories in duplicate, with one copy maintained at the program site and one in the ESD105 fiscal office.
7. As directed by the superintendent, process all claims against the ESD105.

### B. Claims for Damages

- a. ESD105 will provide each claimant with instructions for completing ESD105's tort claim form.
- b. Claimants must submit Washington Standard Tort Form #SF 210 (*Educational Service District 105 Tort Claim Form*).
- c. The claimant must complete all sections of the form, sign the form and submit it to the Superintendent at 33 South 2<sup>nd</sup> Avenue, Yakima, Washington, 98902. The business hours are from 7:30 a.m. to 4:30 p.m. Monday through Friday, except for authorized holidays.

Revised 1/10/12

Approved: 2/21/12

# 21000F Educational Service District 105 Tort Claim Form

## Educational Service District 105

### TORT CLAIM FORM

RCW 4.96.020

Pursuant to Chapter 4.96 RCW, this form is for filing a tort claim against the Educational Service District 105 ("District"). Information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Any person wishing to file a tort claim with the District should fill this form out accurately and completely and present the form in person or by mail to the Superintendent of the Educational Service District at the address given below between the weekday business hours of 7:30 am and 4:30 pm.

<b>Present to the Superintendent at:</b> Educational Service District 105 Steve Myers, Superintendent 33 S. 2 <sup>nd</sup> Avenue Yakima WA 98902	<b>For ESD105 Use Only:</b> <b>Date Received:</b>
--	--

#### **CLAIMANT INFORMATION**

1. **Claimant's Name:** \_\_\_\_\_
2. **Claimant's Date of Birth:** \_\_\_\_\_
3. **Claimant's Current Residential Address:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. **Claimant's Mailing Address (if different):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. **Claimant's Residential Address at the Time of the Incident (if different from current address):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. **Claimant's Daytime Phone Number:** \_\_\_\_\_
7. **Claimant's E-Mail Address:** \_\_\_\_\_

**INCIDENT INFORMATION**

**8. State the amount of damages claimed against the District as a result of the incident.**

\$ \_\_\_\_\_

**9. Date of the incident:** \_\_\_\_\_

**Time:** \_\_\_\_\_ a.m./p.m. (*circle one*)

**10. Location of incident:** \_\_\_\_\_

**11. Names, addresses and telephone numbers of all persons involved in this incident or who were witnesses to this incident:**

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

(List additional names of witnesses and their contact information, if any, on a separate page and attach to this page.)

**12. Names, addresses and telephone numbers of all District employees having knowledge about this incident:**

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

(List additional names of District employees and their contact information, if any, on a separate page and attach to this page.)

**13. Describe the injury or damage which resulted from the incident.**

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

(List additional information, if any, on a separate page and attach to this page.)

**14. What is the basis for making this claim against the District? Please provide specific details regarding the conduct and circumstances that you believe the District or its employees engaged**



in that caused your injury or damage. (Such information can also be provided on separate pages attached to this page.)

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21000F

**Attorney**

15. **Attorney's contact information if you are represented in this matter by an attorney:**

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

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

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**Signature and Verification**

16. This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

**I declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct.**

**DATED:** \_\_\_\_\_, \_\_\_\_\_ **at** \_\_\_\_\_, **Washington.**

\_\_\_\_\_  
**Signature** (actual, non-electronic signature required)

\_\_\_\_\_  
**Print the Name of the Person Signing**

**Approved: 2/21/12**

## 22000 STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The board recognizes the right of its employees, as citizens, to engage in political activities. A staff member may seek an elective office provided that the staff member does not campaign on ESD property during working hours. ESD property and ESD time, supported by public funds, may not be used for political purposes.

In the event the staff member is elected to office, the employee may request a leave of absence in accordance with the leave policies of the ESD. ESD employees who hold elective or appointive public office in an organization are not entitled to time off from their ESD duties for reasons incident to such offices except as such time may qualify under leave policies of the ESD.

ESD employees, when authorized by the board or superintendent, may provide information or communicate on matters pertaining to ESD affairs or advocate the official position or interests of the ESD to any elected official or officer or employee of any agency. The ESD will submit quarterly statements in compliance with requirements of the Public Disclosure Commission.

The superintendent is directed to establish procedures that specify the conditions under which a staff member can participate in political activities and that are in compliance with the Public Disclosure Commission.

Legal References:	RCW 41.06.250	Political activities
	RCW 42.17.130	Forbids use of public office or agency facilities in campaigns
	RCW 42.17.190	Legislative activities of state agencies and other units of government, elective officials, employees
Resource:	Public Disclosure Commission	

Board Approved: 11/20/12

## **22000-P Staff Participation in Political Activities**

Guidelines for staff participation in political activities are as follows:

Any employee who intends to campaign for an elective political office is required to submit the Staff Participation in Political Activities Form to the superintendent prior to the filing date. Complete the section pertaining to campaigning for an elective office:

- The name of the elective position;
- The degree to which the employee might request leave to make personal appearances during work hours; and
- The anticipated release time to conduct the duties associated with the elective office.

The employee who intends to campaign for an elective office will be advised that:

- political activities by the employee will not occur during the working hours of the employee;
- political circulars, petitions or endorsements (outside of those appearing in our regularly received materials) may not be distributed or posted on ESD property;
- the collection of campaign funds and/or the solicitation of campaign workers is prohibited on ESD property; and the use of staff for writing or addressing political materials, or the distribution of such materials to or by staff is prohibited during ESD hours on ESD property.

An employee may not campaign for a political candidate or for a political issue on ESD property, using ESD equipment, using any other ESD resource such as mailing lists, etc. or during ESD hours.

Staff members who hold elective office are not entitled to release time from their ESD duties for reasons incidental to such office except as such time may qualify under the leave policies of the board or a provision of a negotiated labor agreement.

Any employee who intends to attend any political event as an ESD employee is encouraged to submit a statement of intent to the superintendent prior to the activity. The letter should include the type of event and the reason for attending.

Violation of any of the stated rules may constitute sufficient cause for reprimand or dismissal.

### **Political Relationships with Governmental Agencies**

All “lobbying” activities on behalf of the ESD will be conducted under the direction of the superintendent. For purposes of this procedure, “lobbying” means attempting to influence the passage or defeat of any legislation or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency.

The ESD will file a quarterly report (PDC Form L-5) with the Public Disclosure Commission when “in person lobbying” exceeds four days or parts of days during any three month period in aggregate for all employees at the district. In-person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or

observe testimony and debate. Quarterly reports are due at the Public Disclosure Commission on or before May 2nd, August 1st, October 31st and January 31st

ESD funds will not be expended for dinners, entertainment or campaign contributions.

Guidelines for staff communication with legislators are as follows:

- A. Staff members who want to talk, write, or email legislators about ESD 105 business must:
  1. draft their message and email it to their respective division head for approval;
  2. provide prior notice to the superintendent for final approval.
  
- B. Request for information or testimony regarding legislative issues must receive prior approval from the Superintendent.
  1. Staff members who have been approached by legislators to provide information or to testify at a hearing is not considered lobbying but will still be recorded as communication.
  2. Staff members who have been approached by any other individual to testify at the hearing is considered lobbying and must be recorded.
  3. Staff members who are asked by any other individual outside the ESD for information regarding legislative issues may be considered lobbying in certain circumstances and must be recorded.
  
- C. Staff who want to bring legislative issues forward that they believe needs ESD 105 attention can do so by sending an email to the Superintendent and cc the Public Information Officer and their respective Division head.
  
- D. Staff members that receive information via mail or e-mail and are asked to forward the information by any source, must receive approval from the Superintendent. Depending on the purpose of the correspondence, this communication may be considered lobbying.
  
- E. ESD staff members who lobby on personal issues outside of work time may not use their ESD title, ESD name, or any other communication mechanism such as computers, cell phones, etc. that could mislead or misinform the legislators that the employee is officially operating in a work-related capacity.

## Staff Participation in Political Activities Form

Date: [Click here to enter text.](#)

Name: [Click here to enter text.](#)

### Type of Activity/Request (select one)

**Campaign for an elective office**

Title of elective office: [Click here to enter text.](#)

Estimated dates if release time to conduct the duties of the elected office: [Click here to enter text.](#)

Estimated number of hours per date: [Click here to enter text.](#)

**Attend a political event**

What is the program/service topic? [Click here to enter text.](#)

What is the political event you will be attending? [Click here to enter text.](#)

What is the date of the event? [Click here to enter text.](#)

Will you be speaking at the event? [Click here to enter text.](#)

Who invited you to the event? [Click here to enter text.](#)

**Provide written or oral communication in support of a program or service**

What is the program/service topic? [Click here to enter text.](#)

What materials or information will you be providing? [Click here to enter text.](#)

Who requested the information? [Click here to enter text.](#)

**Provide testimony**

What is the program/service topic? [Click here to enter text.](#)

What is the political event you will be attending? [Click here to enter text.](#)

What is the date of the event? [Click here to enter text.](#)

Will you be speaking at the event? [Click here to enter text.](#)

Who invited you to the event? [Click here to enter text.](#)

Signature \_\_\_\_\_

Date \_\_\_\_\_

ALT Approved: 10/15/12

## **23000 Transportation**

### **Transportation**

The Educational Service District may provide transportation services to local school districts for programs operated by the Educational Service District or for other programs requested by a school district. The Transportation Director shall be responsible for scheduling bus transportation, including the determination of routes and bus stops as well as overseeing the transportation program.

The Educational Service District's transportation program shall comply in all ways with state law and regulation. The Educational Service District shall apply for state transportation apportionment funds and shall maintain the records required to obtain such funding.

## **23100 Student Safety Riding Buses**

### **Student Safety Riding Buses**

#### **Bus Safety**

The Superintendent shall develop written rules establishing the procedures for bus safety and emergency exit drills and for student conduct while riding on buses. The procedures for bus safety will include rules restricting bus access to students and those persons authorized by the Superintendent and/or his or her designee(s) to ride the bus to and from any school activity.

The bus driver is responsible for the safety of his/her passengers, particularly for those who cross a roadway after leaving the bus. No bus driver shall order or allow a student to disembark at other than his/her customary boarding or alighting place unless so authorized by the Transportation Director. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment. Bus drivers are expressly prohibited from allowing anyone to board the bus who is not a student or a person authorized to ride the bus by the Transportation Director and/or his or her designee(s).

#### **Emergencies**

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures in accordance with the School Bus Driver Handbook (SPI). To insure the success of such emergency procedures, each bus driver shall conduct an emergency evacuation drill within the first six weeks of each school semester. The Educational Service District shall conduct such other drills and procedures as may be necessary.

#### **Student Conduct on Buses**

The Superintendent shall establish written rules of conduct for students riding school buses. Such rules shall include as a minimum the requirements of WAC 392-145-016 and will be reviewed annually by the Superintendent and revised if necessary. If the rules are substantially revised, they shall be submitted to the Board for approval.

At the beginning of each school year, a copy of the rules of conduct for students riding buses shall be provided to each student who is scheduled to ride a school bus. The classroom teacher and/or bus driver shall review the rules with the students at or near the beginning of each school year. A copy of the rules shall be available upon request at the Educational Service District.

# 23100P Student Safety Riding Buses

## Student Safety Riding Buses

### Student Conduct on Buses

Any misconduct by a student, which in the opinion of the bus driver or bus supervisor, is detrimental to the safe operation of the bus, shall be sufficient cause for the Transportation Director, principal or program director to suspend the transportation privilege.

Rules of conduct for students riding buses:

- A. Students shall obey the driver and any aide assigned to the bus by the Educational Service District. The driver is in full charge of the bus and passengers and shall be obeyed. If an aide is assigned to the bus by the Educational Service District, he/she shall be responsible for the safe operation of the bus. When transporting classes, the teacher shall be primarily responsible for the behavior of the students. Students shall obey both the driver and the teacher, or other staff member.
- B. Students shall ride only on their assigned bus.
- C. Students shall not be permitted to leave the bus except at their regular stop unless a completed official Educational Service District bus pass submitted to the bus driver as evidence of permission to do otherwise is received by the Transportation Director.
- D. Students assigned seats shall use only that seat unless permission to change is authorized by the driver.
- E. Students shall observe rules of classroom conduct while riding on buses. Noise shall be kept down to avoid distracting the driver. Students shall refrain from the use of obscene language or gestures.
- F. Students shall not smoke or ignite lighters or matches on buses.
- G. Students shall not eat on buses, except when specifically authorized and supervised by an accompanying teacher or other staff member. Buses shall be kept clean.
- H. Students shall not open bus windows without the driver's permission.
- I. Students shall not extend any part of their body out of bus windows at any time.
- J. Students shall not carry or have in their possession items that can cause injury to passengers on the bus. Such items include, but are not limited to, sticks, breakable containers, weapons or firearms, straps or pins protruding from clothing, large, bulky items which cannot be held or placed between legs, etc. Books and personal belongings shall be kept out of aisles.
- K. Students shall not have animals on buses, except a dog providing assistance to a disabled student.



- L. Students shall not sit in the driver's seat or to the immediate right or left of the driver.
- M. Students shall refrain from talking to the driver unless necessary.
- N. Students shall go directly to a seat once inside the bus and remain seated at all times unless the driver instructs otherwise.
- O. Students shall get on/off the bus in an orderly manner and shall obey the instructions of the driver or school safety patrolmen on duty. There shall be no pushing and shoving when boarding or leaving the bus. Once off the bus, students shall adhere to rules for pedestrians.
- P. Students shall never cross the roadway behind a bus unless they use pedestrian crosswalks or traffic lights.
- Q. Students shall stand away from the roadway curb when any bus is approaching or leaving a stop.
- R. Students going to and from their bus stops where there are no sidewalks shall walk on the left-hand side of the roadway facing oncoming traffic. Students shall go directly to their home after leaving the bus.
- S. Students shall use lap belts on buses when available.
- T. Students shall follow emergency exit drill procedures as prescribed by the driver.
- U. Students shall not tamper with emergency doors or equipment.
- V. Parents of students identified as causing damage to buses shall be charged with the cost of the incurred damage. Students causing the damage may be suspended from transportation.
- W. Student misconduct shall constitute sufficient reason for suspending transportation privileges.

### **Disciplinary Procedures**

Program directors or principals are responsible for correcting students whose abusive behavior results in a bus incident report or violates the rules above. The program director or principal shall provide supervision during bus arrival and departure times and receive reports (written and oral) from the drivers.

The program director or principal shall insure that students comply with the specified regulations. Program directors or principals must maintain open lines of communication among school officials, bus drivers and the transportation department.

When waiting for a bus, or going to and from a bus stop, students are responsible for conducting themselves according to the social and legal mores that apply to adults in public. That is, they must not abuse or cause damage to private or public property; they must not use obscene language or gestures; they must not engage in criminal activity. Failure to adhere to these standards may result in formal complaints by citizens which may be forwarded to the program director or principals for possible corrective action.

Students provided with transportation are responsible for complying with the Educational Service District's and the school district's rules of conduct for students riding buses. Failure to adhere to these rules, or abusive behavior towards the public, driver, fellow passengers or the vehicle constitutes justification for initiating corrective action against a student.

Abusive behavior on the part of a student riding a bus may result in a written report when, in the opinion of the driver or bus supervisor, there has been an infraction of the rules applicable to student conduct. The written report is the primary means by which a driver or bus supervisor communicates a student's conduct to the transportation department and the school district. This report, in most cases, reflects an infraction of rules which is repeated by the student after his/her having received previous oral warnings from the driver or bus supervisor. In order for drivers and bus supervisors to effectively maintain control on their buses, it is expected that action be exercised by school districts when receiving such a report. When a student's conduct constitutes an infraction of the rules, the driver or bus supervisor shall complete a report on the student describing the incident or damage that occurred. The driver or bus supervisor shall provide the student with a copy of the report, hand the original report to the program director or principal and submit a copy to the Transportation Director. The Transportation Director shall provide a copy of the report to the school district.

The program director or principal upon receiving the report shall investigate the circumstances surrounding the incident and take action according to the procedures set forth in the district's policies pertaining to corrective action and punishment. When investigating the incident, the primary concern must be with respect to the safe transport of students. Corrective action, if necessary, should be consistent from the Educational Service District as follows:

A. Warning:

- When a student's misconduct is of a minor nature which does not jeopardize the safety or welfare of other students or the operation of the bus.

B. Suspension:

- When a student's misconduct is deemed to jeopardize the safety of bus passengers and operation, or when repeated warning notices fail to correct abusive behavior, or when a student incurs damage to the bus.

C. Expulsion:

- When a student's misconduct is of such nature that the safety of the bus operation and/or of the occupants was willfully and seriously threatened (i.e., student assaulting the driver).

The action taken by the program director or principal shall be sufficiently noted on the report and forwarded to the student's parent for signature. The transportation department shall be notified.

Drivers shall be advised to file assault and battery charges against students who physically assault them. Under no circumstances shall the driver retaliate in kind and physically assault the student as this conduct may subject him/her to legal action.

The student or parent of a student who has been suspended from receiving transportation entitlement may appeal the program director or principal's decision by submitting a written statement to the Superintendent. The Superintendent shall render a decision after evaluating the issues and facts involved. If the decision is based on issues unrelated to those described in the district's rules of conduct for students riding buses, the decision shall require Board concurrence before implementation.

Emergencies

The Transportation Director shall review the contents of the School Bus Driver's Handbook with each driver prior to the beginning of each school year. Each driver, in turn, is expected to follow the procedure as outlined in the handbook. In the event of an accident, the driver shall make contact with the Transportation Director who shall:

- A. determine the nature of the accident;
- B. contact emergency services if there is reason to believe that there are injuries which require immediate attention;
- C. contact the State Patrol regarding the accident;
- D. advise the Superintendent;
- E. investigate the accident and gather the names of all students and witnesses;
- E. dispatch another bus to transport the student to their destination;
- F. contact the school district;
- G. contact the parent(s) or guardian(s) of any students who are injured.

To facilitate the responsibilities assigned to the transportation department, the Transportation Director, in cooperation with the program directors or building principals, will compile a list of students, including addresses and phone numbers that are authorized to ride each bus route.

## **23200 Video Cameras on School Buses**

### **Video Cameras on School Buses**

The Board authorizes the use of video cameras on educational service district operated school buses for the purpose of reducing discipline problems, thus providing a safer environment for the transportation of students. The reason for recording the transportation environment is to provide school officials, drivers and parents/guardians/custodians with documentation when dealing with inappropriate student behavior. Disciplinary action will be in accordance with policies and procedures for the school district's Student Responsibilities and Rights.

The Superintendent shall prepare procedures for use of the video equipment on buses, the authorized review process for video recording and the proper disposal of video recording media.

# 23200P Video Cameras on School Buses

## Video Cameras on School Buses

### Placement of Cameras:

1. Cameras shall be authorized for use in buses by the Transportation Director. The bus driver shall be notified of the placement in his/her bus.
2. Drivers may request that a camera be placed in their buses if not equipped and a portable camera is available. The Transportation Director shall discuss the reason for the request with the driver and shall decide if and when a camera shall be placed in the bus by special request.
3. Program directors or principals may request the Transportation Director to authorize placement of a video camera in a bus when they have reason to believe that a problem exists.
4. All buses where cameras may be utilized shall have signs notifying riders that video cameras may be in use.

### Use of the Videos and Recording Media:

1. The video shall be recorded on a continuous loop reusing and rewriting over previously recorded video on the digital media card.
2. The bus driver shall be reminded that the camera was on his/her bus. If the driver wishes to view the video recording, a time shall be set for this purpose.
3. The Transportation Director may view the video recording with or without the driver.
4. If a serious or flagrant violation of student bus rules is observed or if there is a continued violation, despite intervention, standard disciplinary action may be taken. Lesser violations shall be brought to the attention of the student and proper conduct shall be explained.
5. Any time a video is to be used to support a disciplinary action, the recording media shall be dated, labeled and kept on file at the transportation department office for as long as deemed necessary.
6. Recording media not used to support disciplinary action shall be reused.
7. When a video is used to support disciplinary action, the student or the student's parent/guardian/custodian may request to view the video. A viewing shall be arranged at the student's school district or the transportation department office.
8. A program director, principal or designee may request viewing of the videos through the Transportation Director.
9. The Transportation Director may use videos to assist drivers with student behavior management skills.
9. A participating school district may view the video by submitting a written request to the Transportation Director.

## **23300 Driver Training and Responsibility**

### **Driver Training and Responsibility**

School bus drivers will observe all state statutes and regulations governing traffic safety and school bus operation. The Educational Service District will, at the beginning of each school year, provide each school bus driver a copy of: (a) the OSPI School Bus Driver Handbook; (b) the Educational Service District's policy and procedure on the prohibition of harassment, intimidation and bullying; (c) all state and local rules and regulations pertaining to the operation of a school bus; and (d) the Educational Service District's written rules for student conduct on buses.

### **Bus Driver Qualifications**

School bus drivers shall meet the qualification requirements established by the Office of Superintendent of Public Instruction and applicable state and federal law.

### **General School Bus Driver Requirements**

School bus drivers shall: (a) wear a properly adjusted seat belt whenever the school bus is in motion; (b) immediately report any suspected malfunction or needed repair of the school bus in their charge; (c) only allow individuals authorized under the provisions of chapter 392-144 WAC to operate the school bus with passengers on board. No person except the driver shall be allowed to sit in the driver's seat; (d) Except in accordance with district policy no school bus driver shall leave the driver's seat without first securing the school bus by setting the parking brake, placing the transmission in the manufacturer's recommended position, shutting off the engine, and removing the key from the ignition switch. The keys shall be kept in the driver's or other authorized school official's possession; (e) All school bus drivers shall meet the qualifications established in chapter 392-144 WAC prior to transporting students; (f) Except in accordance with Educational Service District policy, a school bus driver shall not use a personal electronic device for personal communications while operating a school bus, except for the use of such devices to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property, as permitted under RCW 46.61.667. For the purpose of this section, operating a school bus is defined as when the school bus engine is running; and (g) Except in accordance with Educational Service District policy, a school bus driver shall not distribute anything edible to students riding the bus.

### **Supervision of Students**

When a teacher or other staff member is assigned to accompany students on a school bus, such person will be responsible for the behavior of the students in his/her charge and will ensure that passengers comply with state rules and district policies and procedures for student transportation. However, the bus driver will have final authority and responsibility.

### **Charter Buses or Excursion Carriers or Subcontracted Carriers**

Every contract between the Educational Service District and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. Supervision of children on trips under this subsection shall be designated to a specific employee of the Educational Service District who shall ensure that the driver shall have not have unsupervised access to students during the trip.

## **23400 ESD Owned Vehicles**

The Educational Service District may provide for the necessary transportation and expenses that are incurred in the course of performing services for the district, whether within or outside the district. All such vehicles shall be properly marked with letters of contrasting color at least 1-1/2" in height in a conspicuous place on both sides of the vehicle. The Educational Service District may instead use a distinctive insignia which shall be at least six (6) inches in diameter across its narrowest dimension.

Staff members operating district owned vehicles must comply with all state and federal laws including laws relating to the use of telecommunications devices. Unless otherwise specified, all out of region or service area travel must be approved in advance by the staff member's immediate supervisor.

The Superintendent is directed to establish procedures for the use of ESD 105 owned vehicles. The district shall comply with IRS regulations pertaining to the use of district-provided vehicles for personal commuting.

Board Approved: 11.28.2023

## 23400P ESD Owned Vehicles

In order to operate an Educational School District vehicle, each employee must have the following current documents on file with the Educational Service District Transportation Office:

- A valid Washington State Driver's License (Current license must remain on file)
- Current emergency phone number

The Transportation department will authorize drivers to use Educational Service District Vehicles. Each driver must submit a current driver's abstract for the past 5 years. No person shall be authorized to drive an Educational Service District vehicle who (WAC 392-144-103):

- Has had his/her driving license privilege suspended or revoked as a result of a moving violation within the preceding five years.
- Has been convicted of any of the following motor vehicle violations within the last five years:
  - (a) Three or more speeding tickets, including driving too fast for conditions;
  - (b) Hit and run driving;
  - (c) Vehicular assault;
  - (d) Vehicular homicide;
  - (e) Driving while intoxicated;
  - (f) Being in physical control of motor vehicle while intoxicated;
  - (g) Negligent driving in the first degree;
  - (h) Reckless driving;
  - (i) Any motor vehicle violation agreed to during a court proceeding as a result of an alcohol related driving infraction.
- Has a conviction of controlled substance or prescription drugs or has been convicted of any crime within the last ten years involving the use, sale, possession, or transportation of any controlled substance or prescription drug;

The Educational Service District shall provide training to each driver. Each driver shall complete the following training videos: [City Driving](#) (17 min), [Defensive Driving](#) (21 min), [Distracted Driving](#) (14 min), [Winter Driving](#) (17 min) and [Van Safety](#) (28 min).

Any driver transporting students must also be certified in First Aid/CPR. A current copy must remain on file with the transportation office.



## **23400 Student Barriers to Education**

The Elementary and Secondary Education Act, the McKinney-Vento Homeless Act, the Head Start Act all recognize that there are barriers that prevent students from having meaningful opportunities to succeed in our schools. Within each of these federal acts, the federal agency provides grant funding to local agencies to mitigate the barriers for homeless and economically disadvantaged students. In addition, the US Department of Education and the Office of the Superintendent of Public Instruction have increasingly provided additional programs and funding to address these barriers. The board recognizes the need to reduce these barriers and authorizes the superintendent to take steps to ensure that all children and youth enrolled in an ESD105 program are given meaningful opportunities to succeed in our school programs. The board authorizes the Superintendent to allow expenditures for this purpose in accordance with the Federal and State Laws.

### **Legal References:**

The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§11431 – 11436.

Title I, Part A, of the Elementary and Secondary Education Act, 20 U.S.C. §§6311 – 6315.

The Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. §§1751 et seq.

June 5, 1992 Policy of the Administration for Children and Families of the U.S.

Department of Health and Human Services.