

Liberty Charter School

PERSONNEL

5325

Employee Use of Social Media Sites, Including Personal Sites

Because of the unique nature of social media sites, such as Facebook and Twitter, and because of the Charter School's desire to protect its interest with regard to its electronic records, the following rules have been established to address social media site usage by all employees:

Protect Confidential and Proprietary Information

Employees shall not post confidential or proprietary information about the Charter School, its employees, students, agents, or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the School or as provided by State or federal law.

Do Not Use the Charter School's Name, Logos, or Images

Employees shall not use the Charter School logos, images, iconography, etc. on personal social media sites.

Employees shall not use the School name to promote a product, cause, political party, or political candidate. However, BMD, Inc. and Harbor School founder Rebecca Stallcop may use the Liberty Charter school name to promote the Harbor School Method.

Employees shall not use Liberty personal images of students, names, or data relating to students, absent written authority of the parent of a minor or authority of an adult or emancipated student.

Respect Charter School Time and Property

Charter School computers and time on the job are reserved for Liberty Charter School-related business. Employees shall not use School time or property on personal email or social media sites.

On Personal Sites

If you identify yourself as a Liberty Charter School employee online, it should be clear that the views expressed, posted, or published are personal views, not necessarily those of the Charter School, its Board, employees, or agents.

Opinions expressed by staff on a social networking website have the potential to be disseminated far beyond the speaker's desire or intention, and could undermine the public perception of fitness of the individual to educate students, and thus undermine teaching effectiveness. In this way, the effect of the expression and publication of such opinions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment

Keep Personal and Professional Accounts Separate

Staff members who decide to engage in professional social media activities will maintain separate professional and personal email addresses.

Staff members will not use their Charter School email address for personal social media activities. Use of School email for this purpose is prohibited and will be considered a violation of Charter School policy that may result in disciplinary action.

Contact with Students

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Pursuant to the Code of Ethics for Idaho Professional Educators, individuals shall maintain a professional relationship with all students, both inside and outside of the classroom. Excessive informal or social involvement with students is therefore prohibited. This includes:

1. Listing current students as “friends” on networking sites wherein personal information is shared or available for review which results in the certificated professional employee not maintaining the Code of Ethics, which requires professional relationships with students both inside and outside the classroom;
2. Contacting students through electronic means other than the Charter School’s email and telephone system;
3. Coaches electronically contacting a team member or members without including all team members in the communication;
4. Giving private cell phone or home phone numbers to students without prior approval of the Charter School; and
5. Inappropriate contact of any kind including via electronic media.

Nothing in this policy prohibits Charter School staff and students from the use of education websites or use of social networking websites created for curricular, co-curricular, or extracurricular purposes where the professional relationship is maintained with the student.

Failure to maintain a professional relationship with students, both inside and outside of a classroom setting, including interaction via social networking websites of any nature, e-mailing, texting, or any other electronic methods will result in the required reporting of such conduct to the Professional Standards Commission by the Charter School’s Administration and may result in employment action up to and including possible termination.

Rules Concerning Charter School-Sponsored Social Media Activity

If an employee wishes to use Facebook, Twitter, or other similar social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a School-based club or a School-based activity or an official School-based organization, the employee must also comply with the following rules:

1. The employee must set up the club, activity, etc. as a group list which will be “closed and moderated”;
2. The employee must set up mechanisms for delivering information to students who are not members of the group via non-electronic means;
3. Members will not be established as “friends” but as members of the group list;
4. Anyone who has access to the communications conveyed through the site may only gain access by the permission of the employee. Persons desiring to access the page may join only after the employee invites them and allows them to join;
5. Parents shall be permitted to access any site that their child has been invited to join **and at least one parent/guardian of each student who is a group member must also be a member of the group**. Parents shall report any communications by students or school personnel they believe to be inappropriate to Charter School administration;
6. Access to the site may only be permitted for educational purposes related to the club, activity, organization, or team;
7. The employee responsible for the site will monitor it regularly;
8. The Administrator shall be permitted access to any site established by the employee for a School-related purpose;
9. Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such Charter School-sponsored social media activity. This includes maintaining a separation between the School activity pages and employees’ personal social media profiles and pages;
10. Postings made to the site must comply with the Charter School’s Policy 5335 Employee Use of Electronic Communications Devices; and
11. The Administrator reserves the right to shut down or discontinue the group if they believe it is in the best overall interest of the students.

Cross References:	5335	Employee Use of Electronic Communications Devices
	3270P	Acceptable Use of Electronic Networks
Legal References:	IC § 18-6726	TikTok Use by State Employees on a State-Issued Device Prohibited
	IC § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	IDAPA 08.02.02.076	Code of Ethics for Idaho Professional Educators
	Idaho Executive Order 2022-06	

Policy History:

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Reviewed on:

Employee Email and Online Services Usage

Liberty Internet access and interconnected computer systems may be available to the Charter School's faculty. Electronic networks, including the internet, are a part of the School's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

Staff may, consistent with the computer use policies of the School and the School's educational goals and Charter, use internet sites throughout the curriculum.

The Charter School email and internet systems are provided for educational purposes only. The School's electronic network is part of the curriculum and is not a public forum for general use.

Uses

Use for other informal or personal purposes is permissible within reasonable limits provided it does not interfere with work duties and complies with Charter School policy. All email and internet records are considered School records and should be transmitted only to individuals who have a need to receive them and only relating to educational purposes. Staff have no expectation of privacy in any materials that are stored, transmitted, or received via the Charter School's electronic network or School computers/technology. The Charter School reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.

Unacceptable Uses of Network

The following are considered examples of unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:

1. Uses that violate the law or encourage others to violate the law including local, State, or federal law; accessing information pertaining to the manufacture of weapons; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials;
2. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation; employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading or sharing another person's communications or personal information; or otherwise using their access to the network or the internet;

3. Uploading a worm, virus, other harmful form of programming or vandalism; participating in hacking activities or any form of unauthorized access to other computers, networks, or other information. Staff will immediately notify the school's system administrator if they have identified a possible security problem.
4. Downloading the TikTok app or visiting the TikTok website;
5. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying (defined as using a computer, computer system, or computer network to convey a message in any format that is intended to harm another individual);
6. Uses that jeopardize the security of access and of the computer network or other networks on the internet;
7. Uses that waste Charter School resources;
8. Uses that are commercial transactions, including commercial or private advertising;
9. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the Charter School;
10. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, materials that depict the sexual exploitation of minors, or other inappropriate materials;
11. Sharing one's password with others or allowing them to use one's account;
12. Downloading, installing, or copying software or other files without authorization of the Administrator or the Administrator's designee;
13. Posting or sending messages anonymously or using a name other than one's own;
14. Attempting to access the internet using means other than the Charter School network while on campus or using School property;
15. Sending unsolicited messages such as advertisements, chain letters, junk mail, and jokes;
16. Sending emails that are libelous, defamatory, offensive, or obscene;
17. Notifying patrons or the public of the occurrence of a school election by providing anything other than factual information associated with the election such as location, purpose, etc. Such factual information shall not promote one position over another;
18. Forwarding or redistributing the private message of an email sender to third parties or giving the sender's email address to third parties without the permission of the sender;

and/or

19. Downloading or disseminating copyrighted or otherwise protected works without permission or license to do so.

Records

Charter School records, including email and internet records may be subject to public records requests, disclosure to law enforcement or government officials, or to other third parties through subpoena or other processes. The Administrator or their designee may review any and all email of any employee, at any time, with or without cause. Consequently, employees should always ensure that all information contained in email and internet messages is accurate, appropriate, and lawful. When sending student records or other confidential information by email, staff shall be aware of the security risks involved and shall take all steps directed by the Internet Safety Coordinator to reduce such risks.

The Internet Safety Coordinator shall provide direction to staff on how to send student records or other confidential information by email in a secure manner.

When communicating with students and parents by email, employees should use their Charter School email rather than a personal email account. Email and internet messages by employees may not necessarily reflect the views of the School. Abuse of the email or internet systems, through excessive and/or inappropriate personal use, or use in violation of the law or School policies, will result in disciplinary action, up to and including termination of employment.

Privacy

While the Charter School does not intend to regularly review employees' email and internet records, employees have no right or expectation of privacy in their use of email or the internet via devices or internet access provided by the School, and the School may review any and all email/electronic communications of any employee, at any time, with or without cause. Depending upon content, email and internet communications may potentially be disclosed to any member of the public through a public records request.

Internet Access Conduct Agreements

Each staff member will be required to sign the Procedure 5330F Employee Email and Online Services Use Policy Acknowledgment upon the adoption of this policy or upon hiring.

Warranties/Indemnification

The Charter School makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the internet provided under this policy. The School is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the internet. The Charter School will not be responsible for any unauthorized charges or fees

resulting from access to the internet, and any user is fully responsible to the School and shall indemnify and hold the Charter School, its Board Members, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user.

Violations

If any staff member violates this policy, they may be subject to disciplinary action. The system administrator and/or the Internet Safety Coordinator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations. Actions which violate local, State, or federal law may be referred to the local law enforcement agency.

Cross References: 5290 Political Activity-Staff Participation
 5325 Employee Use of Social Media Sites, Including Personal Sites

Legal References: IC § 18-6726 TikTok Use by State Employees on a State-Issued Device Prohibited
 Idaho Executive Order 2022-06
 Idaho Attorney General Opinion No. 95-07
 Board of County Commissioners v. Idaho Health Facilities Authority, 96 Idaho 498 (1975)

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Evaluation of Certificated Personnel

The Charter School has a firm commitment to performance evaluation of Charter School personnel, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development, in achieving School goals, and to assist with decisions regarding personnel actions. This policy applies to certificated personnel, but the Charter School shall differentiate between non-instructional and pupil instructional personnel. The Principal is hereby directed to create procedures that differentiate between certificated non-instructional and certificated pupil instructional personnel in a way that aligns with the *Charlotte Danielson Framework for Teaching Second Edition* to the extent possible and aligns to the pupil service staff's applicable national standards.

Each certificated staff member shall receive at least one written evaluation to be completed by no later than June 1st for each annual contract year of employment and shall use multiple measures that are research based and aligned to the *Charlotte Danielson Framework for Teaching Second Edition* domains and components. The evaluation of certificated personnel shall annually include a minimum of two documented observations, one of which shall be completed prior to January 1st. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

Objectives

The formal performance evaluation system is designed to:

1. Maintain or improve each employee's job satisfaction and morale by letting them know that the supervisor is interested in their job progress and personal development;
2. Serve as a systematic guide for supervisors in planning each employee's further training;
3. Assure considered opinion of an employee's performance and focus maximum attention on achievement of assigned duties;
4. Assist in determining and recording special talents, skills, and capabilities that might otherwise not be noticed or recognized;
5. Assist in planning personnel moves and placements that will best utilize each employee's capabilities and to align to School goals;
6. Provide an opportunity for each employee to discuss job problems and interests with their supervisor; and
7. Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions, disciplinary action, and termination.

Responsibility

The Principal or their designee shall have the overall responsibility for the administration and monitoring of the performance evaluation program and shall ensure the fairness and efficiency of its execution, including:

1. Distributing proper evaluation forms in a timely manner;
2. Ensuring completed evaluations are returned for filing by a specified date;
3. Reviewing evaluations for completeness;
4. Identifying discrepancies;
5. Ensuring proper safeguards and filing of completed evaluations;
6. Creating and implementing a plan for ongoing training for evaluators and certificated personnel on the Charter School's evaluation standards, forms, and processes and a plan for collecting and using data gathered from evaluations;
7. Creating a plan for ongoing review of the Charter School's performance evaluation program that includes stakeholder input from teachers, Board Members, administrators, parents/guardians, and other interested parties;
8. Creating a procedure for remediation for employees that receive evaluations indicating that remediation would be an appropriate course of action; and
9. Creating an individualized evaluation rating system for how evaluations will be used to identify proficiency and record growth over time with a minimum of four ratings used to differentiate performance of certificate holders including: unsatisfactory being equal to a rating of 1; basic being equal to a rating of 2; and proficient being equal to a rating of 3.

The Immediate Supervisor is the employee's evaluator and is responsible for:

1. Continuously observing and evaluating an employee's job performance including a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1st of each year; (In a Harbor School, teachers are observed by their principals a *minimum* of once *weekly*. To be fair and consistent, principals will use the same Observation Record to document teacher observations);
2. Holding periodic counseling sessions with each employee to discuss job performance;
3. Completing Performance Evaluations as required; and

The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five years of conducting any evaluations.

Written Evaluation

A written summative evaluation will be completed for each certificated employee by June 1st. A copy will be given to the employee. The record of the evaluation will be kept in the employee's personnel file. The evaluation should be reviewed annually and used to assist in the development of annual goals and objectives. The evaluation is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the evaluator and the employee as to the job description and major performance objectives.

The written evaluation will identify the sources of data used in conducting the evaluation. Aggregate data shall be considered as part of the Charter School and individual school needs assessment in determining professional development offerings.

Evaluation Measures

Observations: Periodic classroom observations will be included in the evaluation process with a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1st. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

Professional Practice: A majority of the evaluation of certificated personnel will be comprised of Professional Practice based on the *Charlotte Danielson Framework for Teaching Second Edition*. The evaluation will include at least one of the following as a measure to inform the Professional Practice portion: input received from parents/guardians, input received from students, and/or portfolios. The Charter School has chosen **student input gathered and documented from the annual Advanc-Ed student survey** as its measure(s) to inform the Professional Practice portion. The Board shall determine the manner and weight of parental input, student input, and/or portfolios on the evaluation.

Student Achievement: Instructional staff evaluation ratings must, in part, be based on measurable student achievement as defined in Section 33-1001, Idaho Code, applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one or both years' data. Growth in student achievement may be considered as an optional measure for all other school-based and Charter School-based staff, as determined by the Board.

Charlotte Danielson Framework: The evaluation will be aligned with minimum State standards and based upon the *Charlotte Danielson Framework for Teaching Second Edition* and will include, at a minimum, the following general criteria upon which the Professional Practice portion will be based.

Individuals who hold a Professional or Advanced Professional Endorsement will be evaluated annually.

The School shall evaluate these employees on the basis of all of the domains.

All other instructional or pupil service staff employees must also be evaluated across all domains.

1. Planning and Preparation

- A. Demonstrating Knowledge of Content and Pedagogy;
- B. Demonstrating Knowledge of Students;
- C. Setting Instructional Outcomes;
- D. Demonstrating Knowledge of Resources;
- E. Designing Coherent Instruction; and
- F. Designing Student Assessments.

2. Classroom Learning Environment

- A. Creating an Environment of Respect and Rapport;
- B. Establishing a Culture for Learning;
- C. Managing Classroom Procedures;
- D. Managing Student Behavior; and
- E. Organizing Physical Space.

3. Instruction and Use of Assessment

- A. Communicating with Students;
- B. Using Questioning and Discussion Techniques;
- C. Engaging Students in Learning;
- D. Using Assessment in Instruction; and
- E. Demonstrating Flexibility and Responsiveness.

4. Professional Responsibilities

- A. Reflecting on Teaching;
- B. Maintaining Accurate Records;
- C. Communicating with Families;
- D. Participating in a Professional Community, contributing to school/District;
- E. Growing and Developing Professionally; and
- F. Showing Professionalism.

Meeting with the Employee

Counseling Sessions: Counseling sessions between supervisors and employees may be scheduled periodically. During these sessions, an open dialogue should occur which allows the exchange of performance oriented information. The employee should be informed of how they have performed to date. If the employee is not meeting performance expectations, the employee should be informed of the steps necessary to improve performance to the desired level.

Counseling sessions should include, but not be limited to, the following: job responsibilities, performance of duties, progress on goals, and attendance. A memorandum for record will be prepared following each counseling session and maintained by the supervisor.

Communication of Results: Each evaluation shall include a meeting with the affected employee to communicate evaluation results. At the scheduled meeting with the employee, the supervisor will:

1. Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.
2. Allow the employee to make any written comments they desire. Inform the employee that they may turn in a written rebuttal/appeal of any portion of the evaluation within seven days and outline the process for rebuttal/appeal. Have the employee sign the evaluation indicating that they have been given a copy and initial after supervisor's comments.

No earlier than seven days following the meeting, if the supervisor has not received any written rebuttal/appeal, the supervisor will forward the evaluation in a confidential manner to the Principal, or the designee, for review. The supervisor will also retain a copy of the completed form.

Individualized Professional Learning Plan

Each certificated staff member shall have an individualized professional development plan based on the Idaho framework for teaching evaluation outlined in IDAPA 08.02.02.120 and developed by the staff member and their evaluator. This plan shall include interventions based on the individual's strengths and areas the staff member and their evaluator seek to emphasize of needed growth.

Rebuttals/Appeal

Within seven days from the date of the evaluation meeting with their supervisor, the employee may file a written rebuttal/appeal of any portion of the evaluation. The written rebuttal/appeal shall state the specific content of the evaluation with which the employee disagrees, a statement of the reason(s) for disagreement, and the amendment to the evaluation requested.

If a written rebuttal/appeal is received by the supervisor within seven days, the supervisor may conduct additional meetings or investigative activities necessary to address the rebuttal/appeal. Subsequent to these activities, and within a period of ten working days, the supervisor may provide the employee with a written response either amending the evaluation as requested by the employee or stating the reason(s) why the supervisor will not be amending the evaluation as requested.

If the supervisor chooses to amend the evaluation as requested by the employee then the amended copy of the evaluation will be provided to, and signed by, the employee. The amended evaluation will then be forwarded to the Principal, or the designee, for review in a sealed envelope, marked Personnel-Evaluation. The supervisor will also retain a copy of the completed form.

If the supervisor chooses not to amend the evaluation as requested by the employee then the evaluation along with the written rebuttal/appeal, and the supervisor's response, if any, will be forwarded to the Principal, or the designee, for review in a sealed envelope, marked Personnel-Evaluation. The supervisor will also retain a copy of the completed evaluation including any rebuttal/appeal and responses.

Action

Each evaluation will include identification of the actions, if any, available to the Charter School as a result of the evaluation as well as the procedure(s) for implementing each action. Available actions include, but are not limited to, recommendations for renewal of employment, non-renewal of employment, probation, and others as determined. Should any action be taken as a result of an evaluation to not renew an individual's contract, the Charter School will comply with the requirements and procedures established by State law.

Records

Permanent records of each certificated personnel's evaluation and any properly submitted rebuttal/appeal documentation will be maintained in the employee's personnel file. All evaluation records, including rebuttal/appeal documentation, will be kept confidential within the parameters identified in State and federal law regarding the right to privacy.

Reporting

Any subsequent changes to the Charter School's evaluation system shall be resubmitted to the State Department of Education for approval. The Charter School shall report annually to the State Department of Education:

1. The summative rankings;
2. The number of components rated as unsatisfactory;
3. The percentage of the certificated personnel's students met their measurable student achievement or growth targets or student success indicators;
4. The measures were used; and
5. Whether an individualized professional learning plan is in place for all certificated personnel evaluations.

Legal References: IC § 33-1001
IDAPA 08.02.02.120

Foundation Program — State Aid —
Apportionment – Definitions
Local District Evaluation Policy —
Instructional Staff and Pupil Service Staff
Certificate Holders

Policy History:

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Revised on: 2023.05.10

Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with Victory Charter School who are issued a contract and employees who are on contract should recognize that their contract with the School carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless:

1. There are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and
2. Until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Administrator or her or his designee.

Employees, including those employees who have just signed their first contract, will not be released from contract during the school year or within 45 days of the start of the school year unless a suitable replacement can be found. The Board may make exceptions to this rule for serious health problems or if a replacement can be found to fill the position being vacated.

The certified employee may make a written request for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to the Administrator so that a search for a suitable replacement can be initiated. The request for release will be submitted to the Board at the time specified by the employee. If finding a replacement is not imminent, the Administrator will advise the person submitting the request that the Administrator will recommend to the Board that the request be denied. The Administrator will also give the person making the request the opportunity to hold the request until finding a suitable replacement is imminent, at which time the resignation would then be submitted to the Board. If no time is specified for the request to be submitted to the Board, it will be submitted when the Administrator feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.

A determination of availability of a suitable replacement will be made by the Administrator before recommendation will be made to the Board that the employee be released from contract. If, in the judgment of the Administrator, there is not a suitable replacement, a recommendation will be made that the Board NOT release the employee from contract.

Should any certificated employee abandon the contract of employment with the Charter School without the prior written release from the contract by the Board of Directors, the Board will report such event to the Professional Standards Commission, alleging that the certificated employee is guilty of unethical practices and has violated the Code of Ethics for Idaho Professional Educators.

Classified Personnel

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

All resignations should be in writing. The Board has delegated authority to the Administrator to accept such resignations, and the Board will subsequently be provided notice as part of the regular personnel report.

Any classified personnel who, without approval or without taking leave, does not show up for work for more than 3 consecutive days will be considered to have abandoned his or her position, and shall be deemed to have resigned.

Legal Reference(s): IDAPA 08.02.02.076.09

I.C. § 72-1366

Code of Ethics for Idaho Professional Educators - Principle VIII - Breach of Contract or Abandonment of Employment.
Employment Security Law - Personal Eligibility Conditions

Policy History:

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Reviewed on

Liberty Charter School

PERSONNEL

5360

Dress and Appearance

“One of the reasons we have schools is for students to learn what is appropriate. Young people learn what is appropriate in society by looking at their adult role models. Your dress and your behavior are what young people will take to be appropriate.” Harry K. Wong

As professionals in our schools, we realize and value the public’s perception of our roles as mentors and models for students. As a “School to Work” school we expect employees to model professional and work appropriate dress. We, therefore, set in policy the following outline of “reasonable expectations” for all professional staff.

The following dress code will apply to all teachers, educational assistants, secretaries, and administrators at Liberty Charter School. It is to be applied for all of the days students are present, parent-teacher conferences, and professional development days.

DRESSING UP IS ENCOURAGED

The following is considered an outline of acceptable dress, unless otherwise specified by the Administrator:

Males

- Pinpoint or button-down dress shirts and necktie
- Slacks or khakis/Docker-type slacks
- Dress shoes, boots, casual shoes
- Socks
- Neckties or turtleneck with blazer
- Business suit
- Sport coat or sweater
- Blue jeans only on Community Service Day or field trip days.

Females

- Business suit
- Jumpers, dresses, skirts of appropriate professional fit (Denim/Chambray fabric acceptable), must be no more than three inches above the top of the knee and provide coverage when the employee bends over at the waist.
- Slacks or khaki/Dockers-type slacks
- Dress shoes, casual shoes, boots
- Blouses, knit shirts, cotton shirts, sweaters must cover cleavage (neckline should be higher than the straight line from top of underarm to top of underarm, must reach below

the beltline to cover the stomach, must cover the shoulders, and may not have armholes open below the armpit area

- School polo style knit shirts
- Dress shorts/skorts of appropriate professional fit and must be no more than three inches above the top of the knee and provide coverage when the employee bends over at the waist.
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- Knit dress pants with tunic length top
- Dress “crop slacks” that are loose fitting
- Blue jeans only on Community Service Day or field trip days

Inappropriate/Unacceptable Attire

- Backless, see-through, tight fitting, or low-cut blouses/tops/dresses
- T-shirts, lycra, spandex, midriff tops, tank tops, muscle shirts, sleeves that do not cover the shoulders or stomach
- Cut-off/Jeans shorts
- Sweatpants
- Coaching shorts, spandex (shorts or pants) of any length
- Blue Jeans
- Mini-skirts
- Jogging suits
- Denim overalls
- Apparel with offensive logos
- Visible tattoos. Temporary and permanent tattoos must be concealed during school hours. (Medical tattoos may be allowed with approval by the administrator.)
- No facial rings of any kind are allowed
- Nose studs larger than 2.5mm are not allowed
- Earrings are acceptable with the exception of ear gauges. Ear gauges are not allowed.
- Clothing that includes sexually suggestive or obscene statements, is not allowed.
- Clothing that includes political statements of any type is not allowed (LCS is a closed forum)

EXCEPTIONS

- Gym Teachers: Gym clothing appropriate to activity, shorts restricted to gym or outside PE areas.
- Field Trips/Field Days: Modest, appropriate to activity.
- Special Days: Holiday clothing/school spirit/thematic clothing with Administrator’s permission.

- The Administrator may grant exceptions based on job-related needs.

Any casual dress or accessories not stated above must at all times meet or exceed standards set for our students in each of their respective schools.

ENFORCEMENT

Charter School staff members who do not, in the judgment of the Administrator, reasonably conform to this dress code shall receive a verbal or written notice from the Administrator. Repeated violations could result in disciplinary action by the Administrator against the staff member. In cases where a staff member refuses to comply with the directions of the Administrator, the staff member's employment could be terminated. The decision of the Administrator is final regarding administration of this policy.

Policy History:

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Liberty Charter School

PERSONNEL

5380

Professional Research and Publishing

The Board considers that the school system has proprietary rights to publications, instructional materials and devices prepared by employees during their paid work time. However, the Board also recognizes the importance of encouraging its professionals' writing, research and other creative endeavors.

When original materials are developed by employees or staff committees during working time, or as part of regular or special assignments for which they are paid, the school system will have sole rights in matters of publication or reproduction; however, identity of the employee(s) who created the materials will be clearly recognized and noted.

In situations where the proprietary rights to material is in doubt—as, for example, when original instructional materials have been developed partially during working time or as part of a paid assignment, and partially during the staff member's own time—arrangements will be made for the appropriate assignment of rights and any profits.

Cross-reference: 4250 Educational Research

Policy History:

Adopted on: 1/5/2012

Revised on:

Liberty Charter School

PERSONNEL

5390

Employment Referrals and Prevention of Sexual Abuse

All employees, contractors, and agents of the Charter School are prohibited from providing any recommendation for employment or otherwise helping an employee, contractor, or agent of the Charter School in obtaining a job if they know or have probable cause to believe the individual has engaged in sexual misconduct with a student or minor in violation of the law.

This prohibition does not include following routine procedures regarding the transmission of administrative or personnel files.

These prohibitions shall not apply to cases in which the alleged misconduct was properly reported to law enforcement and any other authorities required by federal, state, or local law; and

1. The matter was officially closed;
2. The prosecutor or police with jurisdiction over the case investigated the allegations and notified Charter School officials that there is insufficient information to establish probable cause that the individual engaged in sexual misconduct with a minor or student in violation of the law;
3. The individual alleged to have engaged in sexual misconduct with a student or minor has been charged with and acquitted or otherwise exonerated of the sexual misconduct; or
4. The case or investigation has remained open and no indictment or other charges have been brought within four years of the date on which the information was provided to law enforcement.

Legal Reference: 20 USC § 7926 Prohibition on Aiding and Abetting Sexual Abuse

Policy History:

Adopted on: 2019.11.13

Revised on:

Reviewed on:

PERSONNEL

5395

Whistleblowing

The Board of Directors expects employees of the Charter School to be trustworthy and to conduct themselves in an honorable manner, abiding by all School policies and procedures and by all applicable State and federal laws and administrative rules.

When Charter School employees know or have reasonable cause to believe that serious wrongful conduct has occurred, they should report such wrongful conduct to the Administrator or designee or his or her designee.

For the purposes of this policy, the term “wrongful conduct” shall mean:

1. Theft or misuse of Charter School funds, property, or resources;
2. Fraud;
3. Violation of federal and state laws or administrative rules; and/or
4. Material violation of School policy or procedure aimed at protecting the health and safety of staff and students.

Disclosure and Investigation

Employees who know or have reasonable cause to believe that wrongful conduct has occurred shall report such activity to the Administrator or designee or his or her designee. Upon receiving a report of wrongful conduct, the Administrator or designee or designee shall take immediate steps to conduct an investigation.

If the person alleged to have committed the wrongful conduct is the designee, the Administrator or designee shall conduct the investigation. If the person alleged to have committed the wrongful conduct is the Administrator or designee, the investigation shall be addressed in accordance with Policy 4120.

The Administrator or designee or designee shall maintain a written record of the allegation; conduct an investigation, refer the matter to law enforcement or other appropriate authorities, if applicable; and notify the Board of the allegation and of the results of the investigation.

The Administrator or designee or designee shall attempt to protect the identity of a whistleblower, provided that doing so does not interfere with the investigation of the allegations or with the taking corrective action.

Complaints of Retaliation

The Charter School shall not take adverse employment action against an employee who has notified the School of wrongdoing, allowing the School the opportunity to investigate and correct the misconduct. The School shall not take adverse action against an employee who has reported misconduct to another government agency or who has cooperated with an investigation of wrongful conduct. Likewise, School employees are prohibited from retaliating against an individual for these actions.

There shall be no adverse employment action or retaliation against an individual who refuses to carry out a directive which he or she believes constitutes a violation of state or federal law or administrative rule.

An employee who alleges they have been subject to retaliation in the form of adverse employment action may contest the action as specified in the appropriate employee grievance policy. The Charter School shall investigate any complaints of such retaliation and take immediate steps to stop any retaliation.

Charter School employees who have engaged in retaliation shall be subject to discipline, which may include dismissal.

These protections do not apply to cases in which an employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Administrator or designee shall establish any procedures necessary to implement this policy.

This policy and any related procedures may be published in employee handbooks, posted in employee lounges, and/or given to all employees on an annual basis.

Cross References:	§ 5250	Certificated Staff Grievances
	§ 5800	Classified Employment, Assignment, and Grievance
	§ 5800P	Classified Employee Grievance Procedure

Legal Reference:	I.C. § 6-2101, <i>et seq.</i>	Protection of Public Employees
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Policy History:

Adopted on: 2020.03.12

Revised on:

Reviewed on:

Liberty Charter School

PERSONNEL

5400

Leaves of Absence

The Board has the authority to grant any employee's request for a leave of absence. A leave of absence may be at the request of the employee or may be done involuntarily by action of the Board. The Board may also delegate this authority to a designee.

Delegation of Authority

Through this policy, the Board has delegated this ongoing authority to the Principal, both with regard to acceptance of an employee's request for leave of absence as well as an action of placing a certificated employee on an involuntarily leave of absence.

Upon the Principal's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Principal at the next regularly scheduled meeting of the Board or at a special meeting of the Board should the next regularly scheduled meeting of the Board not be within a period of 21 days from the date of the action. Whether such leave is with pay or without pay shall be determined when applying the appropriate principles of Section 33-513(7), Idaho Code.

The Principal is delegated the authority to address classified personnel leave without notification to the Board and is delegated authority to address classified personnel discipline and termination without Board approval.

Considerations for Involuntary Leave

If the Principal or Board is making a decision as to whether or not to place an employee on a period of involuntary leave of absence, some of the considerations in making such a decision may include:

1. Whether or not the conduct at issue involves a possible:
 - A. Criminal act;
 - B. Violation of the Code of Ethics for Idaho Professional Educators;
 - C. A violation of federal or state education laws or regulations; or
 - D. A violation of Charter School Policy and/or Procedure.
2. Whether or not the conduct at issue involves the health, welfare, or safety of the Charter School's students or employees.
3. Whether or not there is an event identified.
4. If the event involves an allegation of abuse of a student or minor, is there an "identified victim" or some other information that provides indicia of credibility.

5. If the event involves an allegation of abuse of a student or minor, is the report in question anonymous or are there any other indicia of credibility.
6. Whether or not there is an identified victim or identified event that the Charter School could investigate.
7. Whether or not there a concern that the presence of the employee on school property could be detrimental to the investigation process and/or a concern that the employee and/or the presence of the employee interfere with the investigation process.
8. Whether or not there is an ongoing/related criminal investigation associated with the same alleged event or allegations.

Sick Leave (Paid Leave)

“Sick Leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. “Immediate family” shall mean the employee’s spouse and children (including foster children and those for whom the employee is legal guardian) residing in the employee’s household.

Nothing in this policy guarantees approval of the granting of Sick Leave in any instance. Each request for Sick Leave will be judged by Liberty Charter School in accordance with this policy and the needs of the Charter School.

Credited at the beginning of each employee’s new employment year, each employee shall be granted one (1) day of Sick Leave for each month of service in which the employee works a majority portion of that month.

1. Certified employees shall be granted Sick Leave in accordance with Liberty Charter School Policy.
2. Classified employees working twenty (20) hours or more per week shall be granted Sick Leave and other leaves in accordance with state law.
 - a. Classified employee Sick Leave shall be proportional to the work day of the classified employee.
3. Compensation shall not be provided for unused Sick Leave.
4. If qualifying, an employee may use accumulated sick leave for a pregnancy-related sickness.
 - a. For traditional pregnancy leave, other than pregnancy-related sickness addressed above, an employee may utilize up to six (6) weeks of accumulated paid sick leave. From this sick leave, the employee will receive 75% of their salary. The remaining 25% will be expended from the employee’s accumulated sick leave for use by the school in helping defray the costs associated with a substitute employee.
5. Liberty Charter School, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of Sick Leave or false claims of illness.
6. It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated Sick Leave credits.

- a. Seniority will not accumulate unless an employee is in a paid status.
7. Abuse of Sick Leave is cause for discipline up to and including termination. Certificated personnel should be aware that falsifying, deliberately misrepresenting or deliberately omitting reasons for absence or leave is a violation of the Code of Ethics for Idaho Professional Educators.

Accrual of Unused Sick Leave

1. Employees may accumulate unused Sick Leave.
2. Upon retirement, an employee's accumulated unused Sick Leave must be reported by the Charter School to the public employee retirement system and will be addressed as per Idaho Code.

Bereavement Leave

A certified employee who has a death in the immediate family shall be eligible for Bereavement Leave.

1. The Principal shall have the authority to give Bereavement Leave for up to two (2) days.
 - a. These two (2) days of Bereavement Leave shall be with pay. Any days in excess of the two (2) days shall be without pay, absent qualification of such leave for Sick Leave.
2. Bereavement Leave of greater than two (2) days must be approved by the Board.

Personal Leave (Unpaid Leave)

A certified employee will be granted up to two (2) days of Personal Leave, without pay, only in unusual circumstances and upon recommendation of the Administrator. Upon recommendation of the Administrator, and in accordance with law and Charter School policy, classified staff may be granted Personal Leave pursuant to the following conditions:

1. Personal Leave will be without pay unless otherwise stated.
2. Personal Leave will only be granted in units of half or full days.
3. Notice of at least one (1) week is required for any Personal Leave of less than one (1) week. Notice of one (1) month is required for any Personal Leave exceeding one (1) week.
 - a. It is understood that in rare emergency situations, advance notice of the need for Personal \ Leave may not be possible. If an emergency situation arises, notice shall be provided to the school at the earliest possible opportunity.
4. The Administrator, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant Personal Leave to employees not covered by any other possible applicable leave under school policy.
5. Staff using Personal Leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

The school's Administration may decline an employee's request for unpaid Personal Leave.

Abuse of Leave

The Board believes it is in the best interest of our students to have the student's regular teacher in the classroom as much as possible and has concern that the teacher's absence interferes with the quality of the educational program our school provides to our students.

In the event an employee violates or misuses any of the school's leave policies, or misrepresents any statement or condition with regard to the use of leave policies, such employee shall be subject to discipline up to and including possible termination.

With regard to Certificated personnel, falsifying, deliberately misrepresenting or deliberately omitting reasons for absences or leave may also trigger a violation of the Code of Ethics for Idaho Professional Educators and such employee may additionally be subject to reporting to the Professional Standards Commission.

Wedding of Immediate Family Members (Paid Leave)

Upon administrative approval, a certified employee will be granted up to two (2) days paid leave to attend the wedding of an immediate family member, (parent, child, sibling or grandparent).

1. Notice of at least one (1) month is required to be provided to the Administrator by an employee seeking to utilize paid leave for a wedding of immediate family member.
2. The Administrator shall notify the employee within three (3) days of receipt of the Wedding of Immediate Family Members Leave request as to whether or not the leave will be granted or denied. If denied, the Administrator shall notify the employee as to the reason for a denial.
- 3.

Should an employee not meet the above paid Wedding of Immediate Family Member provisions, an employee may request unpaid personal leave in order to attend the wedding. Whether or not Personal Leave is granted is addressed by the provisions outlined for such leave provision.

Student College Leave (Paid Leave)

Upon administrative approval, a certified employee will be granted up to two (2) days of paid Student College Leave only under the following circumstances.

1. The Employee is the parent of a child who was a Harbor High School graduate from Liberty Charter School or Liberty Charter School.
2. The sole purpose of such leave is for the employee to transport their child to college/professional schooling at the commencement of the school year/term/semester.
3. Student College Leave will only be granted in units of half or full days.
4. Notice of at least one (1) month is required to be provided to the Administrator by a employee seeking to utilize Student College Leave.

5. The Administrator shall notify the employee within three (3) days of receipt of the Student College Leave request as to whether or not the leave will be granted or denied. If denied, the Administrator shall notify the Teacher as to the reason for a denial.

Should an employee not meet the above paid Student College Leave provisions, an employee may request unpaid personal leave in order to transport their student to college/professional schooling. Whether or not Personal Leave is granted is addressed by the provisions outlined for such leave provision.

Legal References:	42 U.S.C. § 2000(e), et seq.	Title VII of the Civil Rights Act of 1964 – Subchapter VI – Equal Employment Opportunities
	I.C. § 33-1228	Teachers - Severance Allowance at Retirement
	IDAPA 08.02.02.076	Code of Ethics for Idaho Professional Educators

Policy History:

Adopted on: 2011.12.12
Revised on: 2016.09.27
Revised on: 2017.04.25
Revised on: 2017.12.14
Revised on: 2018.01.23
Revised on: 2020.01.16
Revised on: 2024.04.17

Family and Medical Leave

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

1. The birth of a child;
2. The placement of a child for adoption or foster care with the employee;
3. A serious health condition that makes the employee unable to perform the functions of the job;
4. To care for the employee's spouse, child, or parent with a serious health condition; or
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in the Armed Forces.

An employee is eligible to take FMLA leave if the employee has been employed for at least 12 months, and has worked at least 1,250 hours during the 12 months immediately prior to the date when the leave is requested and otherwise qualifies pursuant to applicable federal laws

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service members.

FMLA leave is unpaid leave. Employees may use appropriate paid leave while on FMLA Leave. Workers Compensation absences will be designated FMLA Leave.

The Board has determined that the 12 month period during which an employee may take FMLA leave is **July 1 to June 30**.

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

Legal References:	Pub. L. 103-3	Family Medical Leave Act of 1993
		(FLMA)
	Pub. L. 110-181	National Defense Authorization Act (NDAA) for FY 2008
	29 C.F.R. Part 825	Implementing the Family Medical Leave Act of 1993

Policy History:

Adopted on: 2012.01.05

Revised on: 2013.09.12

Revised on: 2020.01.16

Family and Medical Leave

Who Is Eligible—Employees are eligible if they have worked for the Charter School for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) Charter School employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Benefit—Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks leave with continuing participation in the Charter School's group insurance plan. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty six (26) weeks of leave in a single twelve (12) month period to care for the servicemembers.

Reasons for Taking Leave—Unpaid leave will be granted to eligible employees for any of the following reasons:

- a) to care for the employee's child after birth, or placement for adoption or foster care;
- b) to care for the employee's spouse, child, or parent (does not include parents in-law) who has a serious health condition; or
- c) for a serious health condition that makes the employee unable to perform the employee's job.
- d) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in support of a contingency operation.

Substitution of Paid Leave—Paid leave will be substituted for unpaid leave under the following circumstances:

- a) Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b) Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c) Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to Charter School policy or an applicable collective bargaining agreement.
- d) Whenever appropriate workers' compensation absences shall be designated FMLA leave.

When Both Parents Are Charter School Employees—If both parents of a child are employed by the Charter School, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

Advance Notice—Employees must provide thirty (30) days advance notice when the leave is “foreseeable.” In other situations an employee must give notice as soon as practicable. Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying the Charter School may result in the delay or denial of leave.

Requests—A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

Medical Certification—The Charter School will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense), and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work statement.

Intermittent/Reduced Leave—FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the Charter School. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the Charter School’s payroll system uses to account for absences or use of leave.

Insurance—An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The Charter School will mail notice of delinquency at least fifteen (15) days before coverage will cease.

Return—Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Record Keeping—Employees, supervisors and building administrators will forward requests, forms and other material to payroll to facilitate proper record keeping.

Summer Vacation—The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee's FMLA leave entitlement.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of a semester term if:

- (a) the leave is at least three (3) weeks; and
- (b) the employee's return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five (5) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of a semester term if:

- (a) the leave is longer than two (2) weeks; and
- (b) the employee's return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three (3) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave—Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the Charter School to:

- (a) Take leave for a period(s) of particular duration not to exceed the duration of treatment; or

(b) Transfer to an alternate but equivalent position.

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. Family Medical Leave Act --
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

Procedure History:

Promulgated on: 1/5/2012

Revised on:

Liberty Charter School

PERSONNEL

5420

Long-Term Illness/Temporary Disability

Employees may use sick leave for long-term illness or temporary disability, and upon the expiration of sick leave and family medical leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability shall be required.

Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery therefrom.

Leave without pay arising out of any long-term illness or temporary disability, including pregnancy, miscarriage, childbirth and recovery therefrom, shall commence only after sick leave and family medical leave has been exhausted.

Cross Reference: 5410 – 5410P

Family Medical Leave

Legal Reference: 29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act –
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

29 CFR 1604.10

Pregnancy Discrimination Act -
Employment Policies Relating to Pregnancy and Childbirth

Policy History:

Adopted on: 1/5/2012

Revised on:

Long-Term Illness/Temporary Disability

The following procedures will be used when an employee has a long-term illness or temporary disability.

1. When any illness or temporarily disabling condition is “prolonged”, an employee will be asked by the administration to produce a written statement from a physician stating that the employee is temporarily disabled and is unable to perform the duties of his/her position, but at some point in the future will be able to return to work.
2. In the case of any other extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of disability will vary according to different conditions, individual needs and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician unless complications develop which are further certified by a physician.
3. Maternity leave will be treated as any other disability. As a disabling condition, maternity leave is not available to fathers.

Cross Reference: 5410 – 5410P

Family Medical Leave

Legal Reference: 29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act –
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

29 CFR 1604.10

Pregnancy Discrimination Act -
Employment Policies Relating to Pregnancy and Childbirth

Procedure History:

Adopted on: 1/5/2012

Revised on:

Liberty Charter School

PERSONNEL

5470

Leaves of Absence - Military Leave

General Policy

All Charter School employees, other than those who are employed on a temporary basis, are entitled to a military leave of absence when ordered to active duty for training as members of the Idaho National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted, or are ordered to extended active duty with any component of the U.S. Armed Forces shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

The Charter School shall notify each employee entitled to rights and benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA) of their rights, benefits, and obligations under USERRA and those of the Charter School. Such notice may be provided by posting the notice provided in 5470F in the place(s) where the Charter School customarily places notices for employees

Notice to Charter School

All employees should provide either written or oral notice of upcoming military training to the Charter School as soon as reasonably practical. The employee or an appropriate officer of the branch of military in which the employee will serve may provide the notice. Employees who are ordered for such duty shall provide one copy of their orders to the Principal. Notice shall include date of departure and date of return for purposes of military training 90 days prior to the date of departure.

Military Leave for Training or Short Term Duty

Employees who are required to attend active duty, inactive-duty training, funeral honors duty, or field or coast defense training as a Reserve of the armed forces or member of the National Guard shall not suffer any loss of salary, seniority, or efficiency rating during the first 15 work days of such absence in any fiscal year. Leave will be without loss of benefits.

In the case of a part-time employee, military leave for training or short-term duty shall accrue at a rate of 15 days per year multiplied by a percentage determined by dividing by 40 the number of hours in the regularly scheduled workweek of that employee during that fiscal year. Unused leave shall accumulate until it totals 15 days.

Completion of Military Training

Upon completion of military training, the employee shall give evidence of the satisfactory completion of such training immediately thereafter. The employee shall be restored to his or her previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

Benefits for Uniformed Service Personnel On Active Duty

(Note: Federal law does not require an employer to pay the salary of an employee on military leave except as specified in "Military Leave for Training or Short Term Duty" above.)

Pension and Retirement Plans: Pension and retirement plans are considered a benefit to which reinstated employees are entitled. Any normal contributions will continue to be made for service members who are absent for 90 days or fewer. If the employee has been absent for military service for 91 days or more, the Charter School may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

Medical Insurance: Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee's military service is for 31 days to 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the Charter School for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The Charter School's obligation to provide health benefits ends once an employee's military leave exceeds 24 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had he or she not been absent for military service.

Reporting to Charter School Once Military Leave is Complete

The standard military service length and reporting times are:

1 to 30 Days of Military Service: The employee reports to the Charter School by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.

31 to 180 Days of Military Service: The employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14th day falls on a day when the Charter School's offices are not open or available to accept a reemployment application, the time extends to the next business day.

181 Days or More of Military Service: The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90th day falls on a day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.

Cases of Disability: Employees who are hospitalized or recovering from a disability that was incurred or aggravated during the period of military service leave have up to two years to submit an application for reemployment.

There is an exception to these guidelines for those employees who, through no fault of their own, find themselves in a situation that makes it impossible or unreasonable to meet the required timetables. In those cases the employee must return to work as soon as possible.

Disqualification from Returning to Work

There are four conditions that disqualify an employee from exercising his or her right to reemployment after military service:

1. A dishonorable or bad conduct discharge;
2. Separation from the service under "other than honorable conditions";
3. A commissioned officer's dismissal via court martial or by order of the President;
4. When a service member has been dropped from the rolls for being absent without authority or for civilian imprisonment.

Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or called to active duty for extended periods will be placed on "Military Leave of Absence" upon written application and be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release; and
2. They must report to claim reinstatement within the timelines specified under "Reporting to Charter School Once Military Leave is Complete" above.

After an employee has been absent for thirty-one (31) days or more of military service, the Charter School may ask the employee or the employee's military unit for documentation showing that:

1. The employee submitted a timely application for reemployment;
2. The employee's length of military service has not exceeded the five year limitation; and
3. The employee's separation from the military service meets the requirement for reemployment.

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the

employee was disabled while on military duty, or a disability is aggravated by military service, the Charter School will make reasonable efforts to accommodate the disability.

Legal Reference: I.C. § 46-407 Militia and Military Affairs/Reemployment Rights
I.C. § 46-224 Militia and Military Affairs/Entitled to Restoration of
Position After Leave of Absence for Military Training
I.C. § 46-225 Militia and Military Affairs/Vacation, Sick Leave, Bonus
and Advancement Unaffected by Leave
USERRA, Title 38, Part 3, Chapter 43 U.S. Code
38 USC §§ 4301 Uniformed Services Employment and Reemployment Act
("USERRA").
5 USC § 6323 Military Leave; Reserves and National Guardsmen

Policy History:

Adopted on: 2018.06.14

Revised on:

Liberty Charter School

PERSONNEL

5500

Personnel Files

The Charter School maintains a complete personnel record for every employee, certificated and classified. Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Principal, supervisor, the employee, the employee's designee or representative, and schools requesting information based upon Idaho Code for hiring.

A log of those persons, other than the Principal or other administrative staff, will be kept indicating the date and time of inspection, name of person requesting access, description of the records copies, if any, and the initials of the person providing the access and/or copies requested.

In accordance with federal law, the Charter School shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. Access to other information contained in the personnel records of Charter School employees is governed by Policy 4260 Records Available to the Public.

In accordance with state law not later than twenty (20) days after receiving a request, the Charter School shall release information regarding job performance or job related conduct, as defined by Idaho Code, to schools requesting such information for hiring purposes. See Policy 5100 Hiring Process and Criteria and Procedure 5500P Procedures for Releasing Personnel Records to Hiring Schools.

Certificated Employees

The Charter School shall maintain official Charter School files for employees.

An employee's official file shall be kept in the administrative office. It should, at a minimum, include the following records:

1. Application materials;
2. Contracts of employment;
3. Communications from the administration;
4. Performance evaluations;
5. Rebuttals to performance evaluations;
6. Parental input materials;
7. Written reprimands, directives, commendations, or awards;
8. Original statements and releases to and from hiring school districts and charter schools;
9. A copy of the employee's job description signed by the employee;
10. A signed acknowledgement that the employee has received a copy of the Charter School's sexual harassment policy;

11. A signed acknowledgement that the employee has received a copy of the Charter School's email and internet use policy;
12. Documentation of additional training received, course work completed, in-services attended, etc.;
13. Documentation of fingerprints and background checks;
14. Documentation of record and/or reference checks pursuant to Idaho Code 33-1210;
15. Rebuttal documents;
16. Copies of certifications from the Office of the Superintendent of Public Instruction;
17. Transcripts of credits earned (for credit review purposes);
18. Salary schedule placement; and
19. Any information relevant to the evaluation of the employee.

The file may contain notes and observations. Letters of recommendation will be kept in a separate, sealed file maintained by the Principal or a separate, sealed portion of the personnel file. Personal notes of supervisors should be placed in the personnel file if they are relevant to the evaluation of the employee.

Each employee will be provided written notice of all materials placed in an employee's personnel file. Notice shall be provided within ten (10) days of placement of information in the employee's file or, if possible, presented to the employee prior to placement in the file. An employee will have the opportunity to attach a rebuttal to any information placed in the employee's personnel file. An employee will have twenty-one (21) days from the date of written notice of placement to attach a statement or notification of rebuttal.

Upon request, an employee or the employee's designee or representative will have access to the employee's personnel file, with the exception of letters of recommendation, and will be provided copies, upon request, within a reasonable period of time. The request, inspection, and/or copying of the file will be logged indicating the date and time, name of person requesting access, description of the records copied, if any, and the initials of the person providing the access and/or copies requested.

Other Files upon Separation

Idaho law recognizes that other files may be kept relative to employees, such as investigative files. Upon separation of employment, all documents from such files, including investigative files, shall be moved into the employee's personnel file. Names of students, fellow employees, or complainants (with the exception of the employee's administrative supervisor or other administrative authors) shall be redacted from such documents before they are placed in the personnel file. Copies of such documents shall be provided to the employee within ten (10) days of placement in the personnel file and written notice of their inclusion in the file by sending such to the employee's last known address. The employee shall be given the opportunity to file a rebuttal to such information in the same manner outlined above.

Record Keeping Requirements Under the Fair Labor Standards Act

In addition to the information to be placed in an employee's personnel file set forth hereinabove, any and all payroll information required by the Fair Labor Standards Act shall also be kept for each employee as follows:

1. Records required for ALL employees:

- a. Name in full (same name as used for Social Security);
- b. Employee's home address, including zip code;
- c. Date of birth if under the age of nineteen (19);
- d. Gender (may be indicated with Male/Female; M/F; or a Mr., Mrs., Miss, or Ms.);
- e. Time of day and day of week on which the employee's work week begins;
- f. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
- g. Any payment made which is not counted as part of the "regular rate";
- h. Total wages paid each pay period; and
- i. I-9.

2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any work day (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any work week (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week, but excluding premium pay for overtime);
- E. Total overtime premium pay for a work week;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period; and
- K. Number of hours of compensatory time compensated in cash, the total amount paid and the dates of such payments.

Cross Reference:	4260	Records Available to the Public
	5100	Hiring Process and Criteria
	5205	Job Descriptions
	5240F	Sexual Harassment/Intimidation in the Workplace Policy Acknowledgement
	5330F	Employee Electronic Mail and On-Line Services Use Acknowledgment
	5340	Evaluation of Certificated Personnel
	5500	Personnel Files
	5820	Evaluation of Non-Certified Staff

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act of 1985

29 C.F.R. § 516.2

Employees subject to minimum wage or minimum wage and overtime provisions pursuant to section 6 or sections 6 and 7(a) of the Act.

29 C.F.R. § 516.3

Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees employed pursuant to section 13(a)(1) of the Act.

I.C. § 33-517

Non-Certificated Personnel

I.C. § 74-106

Records Exempt from Disclosure – Personnel

Files, etc.

Policy History:

Adopted on: 2012.01.05

Revised on: 2016.02.11

Revised on: 2020.01.16

Liberty Charter School

PERSONNEL

5500P

Procedures for Releasing Personnel Records to Hiring Schools

1. No later than twenty (20) days after receiving a request from a hiring school under the provisions of Idaho Code 12-1210 Liberty Charter School shall provide the information requested and make available to the hiring school copies of all documents in the past or current employee's personnel file relating to job performance or job related conduct. Note – The Charter School may provide records in electronic format.
2. No Board member or Charter School employee shall enter into any agreement that has the effect of suppressing information about negative job performance by a present or former employee or expunge information about performance or misconduct from any document in an employee personnel file.
3. In fulfilling a request from a hiring school, the Charter School may choose to expunge information from an employee's personnel file relating to *alleged* verbal or physical abuse or sexual misconduct that has not been substantiated.
4. In fulfilling a request from a hiring school, the Charter School shall expunge information from an employee's personnel file on any materials for which disclosure would violate FERPA, HIPAA, or any other applicable federal law. The Charter School shall also redact student names from investigative or other documentation in the employee's/former employee's file as well as any medical documentation.
5. No Charter School employee who in good faith discloses information to the hiring school either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Cross Reference: 5100
5500

Hiring Process and Criteria
Personnel Files

Legal Reference: I.C. § 33-1210 Information on past job performance

Policy History:

Adopted on: 1/5/2012

Revised on:

Liberty Charter School

PERSONNEL

5710

Paraprofessionals, Teachers' Aides, and Paraeducators

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

Under federal law, a paraprofessional, also known as a "paraeducator," an "education assistant" or an "instructional assistant," is defined as an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certificated or licensed teacher, and includes persons employed in language instruction educational programs, special education programs, and migrant education programs.

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

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program to have a high school diploma or general equivalency diploma (GED) **and**:

1. Demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; **or**
2. Have completed at least two years of study at an accredited postsecondary educational institution;; **or**
3. Obtained an associate degree or higher level degree;

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

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

Cross Reference: 1315

Continuous Improvement Plan

Legal Reference:

20 USC § 6312 Local Agency Plans

20 USC § 6314 School Wide Programs

20 USC §§ 7011, 7801 Definitions

IDAPA 08.02.02.007.14.a Paraprofessional Defined.

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