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Recruitment and Selection of Staff

Responsible Governance

Staff are recruited and selected to assure that students grow and meet their full potential in district programs. Staff are highly effective, and have the necessary skills and experience to meet the learning needs of all students. The district works with teacher preparation programs, communicating the teaching skills, competencies, and experiences it considers of primary importance in its staff, and providing field experiences designed to train teachers to be able to improve student learning. Decisions about hiring, assigning, or transferring staff are based on maximizing the effectiveness of that staff member within the district's programs.

Creating Conditions for Student and Staff Success

Staff positions are established by the board to provide the district's comprehensive program of education. New positions are established by the board as needed. The superintendent establishes the necessary skills, competencies, qualifications, education, experience, and past performance levels for each position, as it relates to the district's comprehensive program of education, and the goal of continued improvement in student learning. Selection of staff is based on which candidate is the most qualified for the position, and is made pursuant to the district's standard screening, interview, and reference check process, and equity requirements.

High Expectations for Student Learning

Positions are created within budget parameters, and legal requirements. Part of the district's strategic and short-term planning processes analyzes current and projected staffing requirements. The filling of individual positions is done with consideration to salary issues, budget parameters, and legal requirements. The superintendent regularly evaluates the effectiveness of the district's staff recruitment and selection processes, and reports the findings and recommendations from the evaluation to the board.

Community Engagement

The board and district regularly communicate to staff, professional associations, employee bargaining units, teacher and professional preparation programs in higher education, students, parents, and the larger community the district's commitment to hiring those people best prepared and able to improve student achievement.

Cross References:	Board Policy 5005	Employment: Disclosures, Certification Requirements, Assurances and Approval
	Board Policy	Substitute Employment
Legal References:	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
	RCW 28A.405.210	Conditions and Contracts of Employment – Determination of Probable Cause for Non-Renewal of Contracts – Nonrenewal due to Enrollment Decline or Revenue Loss – Notice – Opportunity for Hearing
	43.43.830	Background Checks – Access to Children or Vulnerable Persons - Definitions

	43.43.832	Background Checks – Disclosure of Information – Sharing of Criminal Background Information by Health Care Facilities
	Chapter 162.12 WAC	Preemployment Inquiry Guide (Human Rights Commission)
	P.L. 99-603	(IRCA) Immigration Reform and Control Act of 1986
	Title 8 USC, Ch. 12 §1324a and §1324b	

Recruitment and Selection of Staff

Current and projected staff needs provide the basis for staff recruitment and selection. Once needs are identified, the recruitment and selection process should result in employing a staff member who is the most qualified to fulfill the need based upon the candidate's skill, training, experience and past performance.

Identifying Needs

- A.** Collect enrollment projections from each school building (use birth data to estimate "K" enrollment).
- B.** Compare building projections with long-range district projections using the cohort survival ratio.
- C.** Establish staffing needs using the lowest projections.
- D.** Identify returning staff members, including returns from leave of absence and excluding retirees.
- E.** Identify openings, recognizing the new requirements, goals and priorities of the district and including possible co-curricular assignment needs.
- F.** Review voluntary transfer requests in relation to the provisions of the collective bargaining agreement.
- G.** Identify possible involuntary transfers in relation to provisions of the collective bargaining agreement.

Recruiting

- A.** Review affirmative action plan and goals.
- B.** Develop job description for each necessary position, including salary range.
- C.** Develop job announcement using information from job description; experience, preparation, salary range and other related information.
- D.** List vacancies with intention to reach potential applicants from protected employment groups in order to achieve affirmative action goals.

Screening

- A.** Identify screening and interviewing team with alternates prior to announcing the vacancy.
- B.** Review criteria for screening.
- C.** Follow the criteria as each candidate is considered, have clear and specific reasons for eliminating candidates.
- D.** Select candidates to be interviewed.
- E.** Notify rejected applicants.

Interviewing

- A.** Prepare for interview by:
 - 1. Reviewing all duties and responsibilities of the position;
 - 2. Reviewing the minimum qualifications needed to perform the duties of the position;
 - 3. Developing a series of questions to be used in interviewing candidates, including guidelines for what to look for in response to questions; and
 - 4. Reviewing the candidate's application folder.

- B. Meet with team to review interview questions and evaluation procedure.
- C. Ask each candidate to respond to a predetermined set of questions.
- D. Record the responses of each candidate.
- E. Give the candidate an opportunity to ask any question(s).
- F. Inform the candidate regarding the time line for hiring.
- G. Rate the candidate on a scale for each response to each question
- H. Ask one clear and concise question at a time.
- I. Avoid cross-examination or pressure techniques.
- J. Insure fairness by asking the same questions developed from the established criteria for the position.
- K. Abide by the Human Rights Commission's published list of fair and unfair questions. For example:

For Personal Information, ASK questions such as:

- 1. What are your specific goals in a job?
- 2. What is your overall career objective?
- 3. What specific job characteristics are important to you? Why?
- 4. What job characteristics would you like to avoid? Why?
- 5. Do you have any commitments which would prevent you from working the scheduled hours for this position?
- 6. Do you have any specific health conditions which would prevent you from performing all the duties of this job?
- 7. Describe the best supervisor you have had.
- 8. Describe the worst supervisor you have had.

DO NOT ASK questions such as:

- 1. Is it Miss, Mrs. or Ms? Are you married? Do you have children?
- 2. What does your husband/wife do? Where do you live?
- 3. What is the origin of your name?
- 4. Do you mind working for a female or a minority supervisor?
- 5. Do you have a disability?

For Education Information, ASK questions such as:

- 1. Which subjects did you excel in at school?
- 2. How did you happen to select _____ as your major?
- 3. Did you work at a part-time job while at school?
- 4. Are you interested in continuing your education? Why? When? Where?
- 5. Do you feel your education prepared you for the job you are seeking with us? In what ways?
- 6. Were you involved in any extracurricular activities?

DO NOT ASK questions such as:

- 1. Did you go to school on a scholarship?
- 2. Where did you live while attending college?
- 3. What organizations did you belong to in school?

For Military Information, ASK questions such as:

- 1. What other kinds of training or schooling have you received?
- 2. In what ways do you feel your training will help you in performing this job?
- 3. What did you find challenging about your assignment?

DO NOT ASK questions such as:

1. Were you drafted?
2. Where were you stationed?
3. What type of discharge did you receive from the United States military service?

For Employment and Experience Information, ASK questions such as:

1. Tell me about your last job and your major responsibilities.
2. What were some of the more challenging aspects of your job?
3. Describe the training you received on your last job.
4. In what ways do you feel your previous employment will help you in performing this job?
5. If we were to contact your previous employer, what would he/she describe as your strengths? What areas might he/she suggest for improvement?
6. Which of your past jobs did you enjoy the most? Least? Why?
7. What were your reasons for leaving your last job?
8. May we contact your present employer?

DO NOT ASK questions such as:

1. Why have you had so many jobs?
2. Why are you coming back to work after so many years?
3. How do feel about working with younger/older people?

DO NOT request, require or otherwise compel or coerce an applicant to:

1. Disclose login information for their personal social networking account; or
2. Access their personal social networking account in the presence of any district employee; or
3. Add a district employee to their personal social networking account's contact list; or
4. Alter the settings on their personal social networking account to affect any third party's ability to view it.

The district may not refuse to hire an applicant based on his/her failure to comply with any of the above-listed requests or requirements regarding their personal social networking account.

Verifying References

- A. Contact candidate's previous supervisor(s). Ask prepared list of job-related questions.
- B. Visit and/or observe candidate on site (when possible).
- C. Contact any personal acquaintances who would know about the qualifications of the candidate.
- D. Rate the candidate on a scale for the response to each question.

Recommending

A. Review available information:

1. Credentials - training, experience and recommendations
2. Letters of application, responses to topics on supplementary application,
3. Responses to interview questions,

4. Contact with previous supervisors and personal acquaintances.
- B. Select candidate to be recommended to superintendent.
- C. Prepare supporting statements on behalf of the candidate to be recommended.
- D. Place screening evaluation, interview evaluation, and telephone reference check reports in a file for possible future reference.

Employing

- A. Review the written recommendation and supporting information from the interviewer(s).
- B. Inform candidate that he/she will:
 1. Be recommended for the position, provided that the records of the Washington State Patrol criminal investigation system reveal that the prospective staff member is free of any convictions of offenses against children and other persons. (RCW 43.43.832);
 2. Receive a general statement about the type of contract that will be issued (letter of intent);
 3. Be expected to verify in writing his/her willingness to accept a contract if offered;
 4. Be expected to present documents which establish his/her identity, and attest, in writing, his/her eligibility to work in this country; and
 5. (Classified staff) may be subjected to a background check with the Washington State Patrol in accordance with RCW 43.43.830.
- C. Present recommendation to board
- D. Employ candidate at official board meeting noting the type of contract to be issued.
- E. Advise unsuccessful candidates.

Issuing Contracts

- A. Secure official statements regarding the work experience from previous employers.
- B. Evaluate transcript in terms of salary schedule placement criteria.
- C. Issue appropriate contract — Replacement, Provisional, Temporary (less than one year), Supplemental.
- D. Issue appropriate business forms and payroll information, and register teaching certificate.

Hiring of Retired School Employees

The district will recruit, select and employ the best-qualified individuals as employees. The 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 will only be rehired pursuant to this district policy.

TRS Plan 1 Retirees

TRS Plan 1 retirees who reenter employment more than one calendar month after their accrual date may be employed in a non-administrative position for up to 867 hours in a school year without suspension of their pension benefits.

Until July 1, 2025, TRS Plan 1 retirees who enter reemployment more than one calendar month after their accrual date may work in a school district in a non-administrative position for up to 1,040 hours in a school year and continue to receive their pension payments. Until July 1, 2025, TRS Plan 1 retirees who retired before January 1, 2022, may be employed as a superintendent or an in-school administrator for up to 1,040 hours in a school year and continue to receive pension payments.

TRS Plan 2 & Plan 3 Retirees

TRS Plan 2 and Plan 3 retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

TRS Plan 2 and Plan 3 retirees who have retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) and who reenter employment more than one calendar month after their accrual date and after June 9, 2016, may be employed in a non-administrative capacity for up to 867 hours in a calendar year without suspension of their pension benefits.

Until July 1, 2025, TRS Plan 2 and Plan 3 retirees who enter reemployment more than one calendar month after their accrual date may work in a school district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments. Until July 1, 2025, RS Plan 2 and Plan 3 retirees who retired before January 1, 2022, may be employed as a superintendent or an in school administrator for up to 1,040 hours in a calendar year and continue to receive pension payments.

SERS Plan 2 and Plan 3 Retirees

SERS Plan 2 and Plan 3 retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

SERS Plan 2 and Plan 3 retirees who have retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) and who reenter employment more than one calendar month after their accrual date may be employed in a non-administrative capacity for up to 867 hours in a calendar year without suspension of their pension benefits.

Until July 1, 2025, SERS Plan 2 and Plan 3 retirees who enter reemployment more than one calendar month after their accrual date, including those who have retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b), may work in a school

district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments.

PERS Retirees

PERS retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.10, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

Until July 1, 2025, PERS retirees who enter reemployment more than 100 days after their accrual date, including those who have retired under the alternate early retirement provisions of RCW 41.40.630(3)(b) or 41.40.820(3)(b), may work in a school district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments.

District Responsibilities

The district will abide by the following process when considering a retiree for employment:

- A. The board of directors will approve a process for recruitment and selection of employees, including those vacancies for which a retiree applicant may be considered;
- B. Applicant(s) will be evaluated and considered equally, selecting the candidate who best meets the needs of the district;
- C. There will be no prearranged employment agreement or commitment to rehire an employee after retirement. Mere inquiries about post-retirement employment do not constitute an agreement;
- D. Employment will be limited to a maximum of a one-year, non-continuing contract or appointment;
- E. Subject to any applicable bargaining agreements, vacancies filled by retirees will be annually reviewed by the board to determine whether the retiree will be rehired for another year of employment;
- F. The district will 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; and
- G. The district will report the number of hours worked by the retiree to DRS.

Retired Employee Responsibilities

The following conditions of employment will apply to retirees that are re-employed:

- A. Retired applicants will disclose to the district whether they are retired from a Washington state retirement plan.
- B. Employees must satisfy the DRS requirement for separation and retirement from service prior to accepting a retire/rehire position with the district.

- C.** Retirees are subject to the same collective bargaining membership as other one-year temporary employees.
- D.** Retirees are responsible for tracking service hours during post-retirement employment among multiple employers.

Cross References:	Board Policy 5612	Temporary Administrators
	Board Policy 5610	Substitute Employment
	Board Policy 5050	Contracts
Legal References:	RCW 28A.405.900	Certain certificated employees exempt from chapter provisions
	Chapter 41.32 RCW	Teachers' retirement
	RCW 41.32.570	Post-retirement employment – Reduction or suspension of pension payments
	RCW 41.32.802	Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 – Reestablishment of membership
	RCW 41.32.862	Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 – Reestablishment of membership
	Chapter 41.35 RCW	Washington school employees' retirement system
	RCW 41.35.060	Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 – Reestablishment of membership
	Chapter 41.40 RCW	Washington public employees' retirement system
	RCW 41.40.037	Service by retirees – Break in employment requirement – Reduction of retirement

		allowance upon reemployment – Reestablishment of membership
Management Resources:	Policy & Legal News:	
	2023 – April Issue	
	2022 – June Issue	
	2016 – July Issue	
	2011 - August Issue	Legislature refines the retire/rehire law
	Policy News, June 2007 Revisions to Retire/Rehire Law	Revisions to Retire/Rehire Law

Infection Control Program

Immunizations

In order to safeguard the school community from the spread of certain vaccine-preventable diseases and in recognition that prevention is a means of combating the spread of disease, the board strongly urges that school staff members (including volunteers) provide documentation of immunization or evidence of immunity against certain vaccine-preventable diseases. The following immunizations are recommended for school staff: measles, mumps, rubella (MMR), varicella (chickenpox), diphtheria, tetanus, and pertussis (Tdap and Td) and influenza (flu). Staff members born prior to January 1, 1957 need not provide evidence of immunity to measles; these individuals are considered naturally immune.

In the event of an outbreak of a vaccine-preventable disease in school, the local health officer has the authority to exclude a susceptible staff member. If excluded he/she is not eligible to receive sick leave benefits because of the exclusion itself. To qualify for benefits, he/she must be ill or temporarily physically-disabled, or is otherwise provided for in a collective bargaining agreement.

Blood or Other Potentially Infectious Material

The Superintendent or designee will evaluate all job duties of district employees to determine which employees have reasonably anticipated on-the-job exposure to blood or other potentially infectious material. The district will maintain a list of job classifications where employees have reasonably anticipated exposure to blood or other potentially infectious material. The hepatitis B vaccine will be provided at the district's expense to all employees identified as having risk of directly contacting blood or other potentially infectious material at work.

In the event that an employee has a specific exposure to blood or other potentially infectious material, the employee will be provided, at district expense, with confidential medical evaluation, and other follow-up as required by law.

The district will provide annual training to all employees with reasonably anticipated exposure to blood or other potentially infectious material. All employees will receive district provided training on HIV/AIDS within six months of initial employment.

Records will be kept in strict confidence regarding the hepatitis B vaccine status of all employees with reasonably anticipated exposure to blood or other potentially infectious material and for each occupational exposure an employee has to blood or other potentially infectious material. The records will be kept for the duration of the employee's employment, plus thirty years. The district will also keep records that employees have received appropriate training.

Preventing, Suppressing, and Controlling Contagious and Infectious Diseases

The district will follow lawful regulations, orders, and proclamations about preventing, suppressing, and controlling contagious and infectious diseases.

Cross References:	Policy 3414	Infectious Disease
	Policy 6630	Volunteers
Legal References:	WAC 246-100-036	Responsibilities and duties – local health officers

	Chapter 246-110 WAC	Contagious Disease – School Districts and Child Care Centers
	Chapter 296-823 WAC	Occupational Exposure to Bloodborne Pathogens
	Chapter 392-198 WAC	Training – School Employees – blood borne pathogens
	RCW 43.06.220	State of emergency – Powers of governor pursuant to proclamation
	RCW 43.70.130	Powers and duties of secretary - General
	RCW 70.05.070	Local health officer – Powers and duties
	RCW 70.05.120	Violations – Remedies - Penalties
Management Resources:	2021	October Issue
	2020	September Alert
	2015	June Issue
	2015	April Issue

Infection Control Program

Immunization

Staff members, including substitutes, student teachers and volunteers, are encouraged to complete an Immunization History form to be placed on file at the district office. In the event of an outbreak of a vaccine-preventable disease in school, the local health officer has the authority to exclude all susceptible persons, including school staff. Susceptible, as related to measles, means any staff member born after January 1, 1957 who does not have documented evidence of immunity.

A staff member may claim an exemption for health, religious or philosophical reasons. However, a staff member who files such an exemption may be excluded if an outbreak occurs at his/her school. A staff member who is excluded is not eligible to receive sick leave benefits unless he/she is ill or physically disabled or is otherwise provided for in the collective bargaining agreement.

If a staff member needs to be vaccinated, he/she should contact a personal physician or clinic. Some vaccines may also be available at a nominal cost from the county health department.

Blood or Other Potentially Infectious Material

The district's infection control program will be consistent with Chapter 296-823 WAC Occupational exposure to blood borne pathogens.

All employees with reasonably anticipated on-the-job exposure to blood or other potentially infectious material will be identified. Potentially infectious human body fluids are blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, anybody fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult to differentiate between body fluids. Examples of employees with reasonably anticipated risk of exposure include, but are not limited to, school nurses; teachers and aides in classrooms for students with disabilities, and classrooms for institutionalized or group home residents students; bus drivers of such students, or who provide first aid; communication disorders specialists for such students; coaches or assistants who provide first aid, and first aid providers. All job duties should be evaluated by the superintendent or designee for the risk of exposure to blood or potentially infectious material. The district will maintain a list of job classifications with reasonably anticipated exposure to blood or other potentially infectious material.

All employees identified as having reasonably anticipated exposure to blood or other potentially infectious material will be offered the hepatitis B vaccine at the district's expense.

If an employee has a specific exposure to blood or other potentially infectious material, the district will provide a free and confidential medical evaluation and other follow-up.

Employees with reasonably anticipated exposure to blood and other potentially infectious material will participate in district-provided training within ten days of employment and annually before the first day of school. The training will include:

- A. A general description of blood borne diseases;
- B. An explanation of modes of transmission of blood borne pathogens;
- C. An explanation on the use and limitations of methods of control;
- D. Information about personal protective equipment;
- E. Information on the Hepatitis B vaccine;
- F. A description of procedures to follow if an exposure incident occurs;
- G. An explanation of signs, labels, tags and color coding used to designate biohazards;
- H. Where to obtain a copy of Chapter 296-823 WAC *Occupational exposure to blood borne pathogens*;
- I. An explanation of the district's infection control plan and how to obtain a copy;

- J. How to identify tasks and activities that may involve exposure to blood or other potentially infectious material; and
- K. Appropriate actions to take in emergencies involving blood or other potentially infectious material.

The training will be provided by a qualified person and will include opportunities for questions.

The district will provide training to all employees regarding HIV/AIDS. The training will be provided within six months of initial employment. The training will include:

- A. History and epidemiology of HIV/AIDS;
- B. Methods of transmission of HIV;
- C. Methods of prevention of HIV infection including universal precautions for handling body fluids;
- D. Current treatment for symptoms of HIV and prognosis of disease prevention;
- E. State and federal laws barring discrimination against persons with HIV/AIDS; and
- F. State and federal laws regulating the confidentiality of a person's HIV antibody status.

Significant new discoveries or changes in accepted knowledge regarding HIV/AIDS will be transmitted to employees within one calendar year of notification from the Superintendent of Public Instruction, unless the Department of Health notifies the district that prompt dissemination of the information is required.

The Hepatitis B vaccination status and records regarding any occupational exposure, if any, will be kept in strict confidence during employment, plus thirty years, for any employee with reasonably anticipated exposure to blood or other potentially infectious material. The records of occupational exposures will include:

- A. The employee's name and social security number;
- B. The employee's Hepatitis B vaccination status;
- C. Examination results, medical testing and follow-up procedure records;
- D. The healthcare professional's written opinion; and
- E. A copy of information provided to the healthcare professional.

The district will also keep records of training sessions including the dates, a summary of the material, names and qualifications of the trainers and names of employees attending the training.

These records will be kept for three years.

Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval

Federal Immigration Law Compliance for Staff

The board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent/designee. Prior to final action by the board, a prospective staff member will present necessary documents which establish eligibility to work as required by federal immigration law. The superintendent/designee will certify that he/she has: "examined the documents which were presented to me by the new hire, that the documents appear to be genuine, that they appear to relate to the individual named, and that the individual is a U.S. citizen, a legal permanent resident, or a non-immigrant alien with authorization to work." This certification will be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

Child Support Reporting for Staff

The district will report all new hires to the state Department of Social and Health Services Division of Child Support as required by [P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#).

Sexual Misconduct Release Form for Staff

Pursuant to state law, the district will require that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct. The applicant will authorize current and past school district employers including employers outside of Washington to disclose to the district sexual misconduct, if any, and make available to the district all documents in the employer's personnel, investigative or other files related to the sexual misconduct. The applicant is not prohibited from employment in Washington state if the laws or policies of another state prohibit disclosure of this information or if the out-of-state district denies the request.

Disclosures for Staff and Volunteers

Prior to employment of any unsupervised staff member or volunteer, the district will require the applicant to disclose whether he/she has been:

- A. Convicted of any crime against persons;
- B. Found in any dependency action under [RCW 13.34](#) to have sexually assaulted or exploited any minor or to have physically abused any minor;
- C. Found by a court in a domestic relations proceeding under [Title 26 RCW](#) to have sexually abused or exploited any minor or to have physically abused any minor;
- D. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor: or
- E. Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

For purposes of this policy, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen years of age or developmentally disabled persons. The disclosure will be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet will specify all crimes committed against persons.

Background Check for Staff and Volunteers

Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:

Prospective staff and volunteers, who will have regularly scheduled unsupervised access to children, will have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. The record check will

include a fingerprint check using a complete Washington state criminal identification fingerprint card.

All Other Staff and Volunteers:

Staff and volunteers without unsupervised access to children will undergo a name and birth date background check with the Washington State Patrol.

If a volunteer has undergone a criminal record check in the last two years for another entity, the district will request a copy from the volunteer, or have the volunteer sign a release permitting the entity for whom the check was conducted to provide a copy to the district.

Conditional Employment:

New hires shall be employed on a conditional basis pending the outcome of the background check and may begin conditional employment once completed fingerprint cards have been sent to the Washington State Patrol. If the background check reveals evidence of convictions, the candidate may not be recommended for employment, or if conditionally employed, will be terminated. When such a background check is received, the superintendent/designee is directed to consult with legal counsel.

Pre-Employment Drug Testing

If the district requires prospective staff members to undergo pre-employment drug testing, the district will comply with the requirements of RCW 49.44.240.

Record Check Database Access Designee

The superintendent/designee is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's (SPI) record check database. Fingerprint record information is highly confidential and will not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) will be stored in a secure location separate from personnel and applicant files and access to this information is limited to those authorized to access the SPI record check database.

Certification Requirements

The district will require that certificated staff hold a Washington state certificate, with proper endorsement (if required for that certificate and unless eligible for out-of-endorsement assignment), or such other documentation as may be required by the professional educator standards board with respect to alternative route programs, for the role and responsibilities for which they are employed. Failure to meet this requirement will be just cause for termination of employment. State law requires that the initial application for certification will require a background check of the applicant through the Washington State Patrol criminal identification system and Federal Bureau of Investigation. No salary warrants may be issued to the staff member until the district has registered a valid certificate for the role to which he/she has been assigned.

All certificated staff members are required to maintain their certification in accordance with state and federal requirements.

Classified Staff

Classified staff who are engaged to serve less than twelve (12) months, will be advised of their employment status for the ensuing school year prior to the close of the school year. If the district chooses to reemploy the staff member the following year, the superintendent/designee will give "reasonable assurance" by written notice that the staff member will be employed during the next school year.

Board Approval

All staff members selected for employment will be recommended by the superintendent. Staff members must receive an affirmative vote from a majority of all members of the board. In the event an authorized position must be filled before the board can take action, the superintendent has the authority to fill the position with a temporary employee who will receive the same salary

and benefits as a permanent staff member. The board will act on the superintendent's recommendation to fill the vacancy at its next regular meeting.

Cross References:	Board Policy 6530	Insurance
	Board Policy 5610	Substitute Employment
	Board Policy 5520	Staff Development
	Board Policy 5281	Disciplinary Action and Discharge
	Board Policy 5251	Conflicts of Interest
	Board Policy 5006	Certification Revocation
	Board Policy 1610	Conflicts of Interest (1st Class) and (2nd Class)
Legal References:	RCW 28A.400.301	Information on past sexual misconduct – Requirement for applicants – Limitation on contracts and agreements – Employee right to review personnel file
	RCW 28A.660.020	Proposals – Funding 28A.660.035. Partnership grant programs-- Priority assistance in advancing cultural competency skills ESHB 1115 Paraeducators
	RCW 9.96A.020	Employment, occupational licensing by public entity — Prior felony conviction no disqualification — Exceptions
	RCW 28A.320.155	Criminal history record information — School volunteers
	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
	RCW 28A.400.303	Record checks for employees
	RCW 28A.405.060	Course of study and regulations — enforcement — Withholding salary warrant for
	RCW 28A. 405.210	Conditions and contracts of employment — Determination of probable cause for nonrenewal of contracts — Nonrenewal due

		to enrollment decline or revenue loss — Notice — Opportunity for hearing failure
	RCW 28A.410.010	Certification — Duty of Professional Educator Standards Board — Rules — Record check — Lapsed certificates — Superintendent of public instruction as administrator
	RCW 43.43.830	Background checks — Access to children or vulnerable persons — Definitions
	RCW 49.44.240	Discrimination based on cannabis use - Exceptions
	RCW 50.44.050	Benefits payable, terms and conditions — "Academic year" defined
	RCW 50.44.053	"Reasonable assurance" defined — Presumption, employees of educational institutions
	P.L. 99-603	Immigration Reform and Control Act of 1986 (IRCA)
	P.L. 104-193	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
	WAC 162-12	Pre-employment Inquiry Guide (Human Rights Commission)
	WAC 180-16-220	Supplemental basic education program approval requirements
	WAC 181-79A	Standards for teacher, administrator and educational staff associate certification
	WAC 181-82-105	Assignment of classroom teachers within districts
	WAC 181-82-110	School district response and support for nonmatched endorsements to course assignments of teachers
	WAC 181-85	Professional certification — Continuing education requirement
	WAC 392-300-050	Access to record check data base
	WAC 392-300-055	Prohibition of redissemination of fingerprint record information by education service districts, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools
	WAC 3 92-300-060	Protection of fingerprint record information by education service district, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools

	WAC 446-20-280	Employment — Conviction Records
Management Resources Policy & Legal News:	December 2023	
	July 2017	
	October 2010	Public Disclosure
	October 2005	Sex Offender Reporting Requirements
	April 2004	School Employee Sexual Misconduct
	October 2001	Updates from the State Board of Education
	June 1999	School Safety Bills Impact Policy
	February 1999	Local Boards Decide Endorsement Waivers
	August 1998	District Must Report New Hires

Certification Revocation

The board of directors recognizes its responsibility to protect students from physical and/or emotional harm. Staff members are expected to exhibit "good moral character and personal fitness" as they teach or supervise students. Staff members will not engage in unprofessional conduct including, but not limited to:

- A. The related acts of immorality and/or intemperance;
- B. Violation of written contract;
- C. Crime against the state or involving the physical neglect of children;
- D. The physical injury of children;
- E. Sexual misconduct with children or students;
- F. Misrepresentation or falsification in the course of professional practice;
- G. Possession, use or consumption or being under the influence of alcohol or of a controlled substance on school premises or at a school-sponsored activity involving students;
- H. Disregard or abandonment of generally recognized professional standards;
- I. Abandonment of contract for professional services;
- J. Unauthorized professional practice;
- K. Illegal furnishing of alcohol or a controlled substance to a student; or
- L. Improper remunerative conduct.

Unprofessional conduct will not include matters such as insubordination, violation of the collective bargaining agreement or other employment related acts correctable by the district or other civil remedies.

When the superintendent possesses sufficient reliable information to believe that a certificated employee is not of good moral character or personally fit or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, he/she will file a written complaint with the Superintendent of Public Instruction.

If the district is considering action to discharge a staff member, the superintendent need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. Such written complaint will state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the Superintendent of Public Instruction is warranted. The Superintendent of Public Instruction will provide the affected certificate holder with a copy of such written complaint.

Intentional failure to file a complaint is an act of unprofessional conduct and may be sufficient cause for revocation of the superintendent's professional education certificate. A staff member may voluntarily surrender his or her certificate.

The superintendent will maintain a confidential file containing allegations and the findings related to his/her investigation.

Cross References:	Board Policy 5005	Employment Disclosures, Certification Assurances and Approval
	Board Policy 5281	Disciplinary Action and Discharge

Legal References:	RCW 28A.400.320	Crimes Against Children – Mandatory Termination of Classified Employees – Appeal – Recovery of Salary or Compensation by District
	RCW 28A.405.470	Crimes Against Children – Mandatory Termination of Certificated Employees – Appeal – Recovery of Salary or Compensation by District
	RCW 28A.410.090	Revocation or Suspension of Certificate or Permit to Teach – Reprimand Criminal Basis – Complaints – Investigation - Process
	RCW 28A.410.100	Revocation of Authority to Teach - Hearings
	RCW 28A.410.110	Limitation on Reinstatement after Revocation – Reinstatement Prohibited for Certain Felony Crimes
	Chapter 181-79A WAC	Standards for Teacher, Administrator and Educational Staff Associate Certification
	181-86	Professional Certification – Policies and Procedures for Administration of Certification Proceedings
	181-87	Professional Certification – Acts of Unprofessional Conduct
	181-79A-155	Good Moral Character and Personal Fitness – Necessary Supporting Evidence Applicants

Nondiscrimination and Affirmative Action

Nondiscrimination

The Hockinson district is committed to an educational and working environment free from discrimination and harassment as described in this policy. This policy and accompanying procedure prohibits discrimination and harassment of any staff member, volunteers, and contractors who work on behalf of the district.

Equal Employment Opportunity

The district will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination with respect to a legally characteristic, which includes the following: race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, disability, or the use of a trained dog guide or service animal by a person with a disability.

The board will designate a staff member to serve as the compliance officer.

Discriminatory Harassment

Discriminatory harassment is unwelcome conduct that is:

1. Directed toward a person based on a protected characteristic,
2. Sufficiently severe or pervasive;
3. Unreasonably interferes with a person's work environment or ability to perform job duties; and
4. The cause of an intimidating, hostile, or offensive environment.

Examples of discriminatory harassment include, but are not limited to:

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to or about a person's legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Physical contact toward a person due to that person's legally protected characteristic;
- All communications, including those conveyed electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use, that directly or indirectly implicates a legally protect characteristic; or
- Any other unwelcome conduct that implicated a legally protected characteristic.

In most instances, discriminatory harassment does not include supervisory or evaluative practices.

The board will designate a staff member to serves as the compliance officer.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or

race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection, training, education and other programs.

The superintendent will develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employment opportunities of those classes that are recognized as protected groups — aged, persons with disabilities, ethnic minorities and women and Vietnam veterans, although under state, law racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the board.

Employment of Persons with Disabilities

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

1. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the district will 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. The district will 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 district program. 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.
3. The District will not use any employment tests or criteria that screens out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, the District will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.
4. While the district 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; and
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

The district 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 initial employment, retention in employment, promotion or any benefit of employment. The district will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Cross References:	Policy 2030	Service Animals in Schools
	Policy 5270	Resolution of Staff Complaints
	Policy 5411	Sexual Harassment of District Staff Members Prohibited
	Policy 5407	Military Leave
Legal References:	RCW 28A.400.310	Law against discrimination applicable to districts' employment practices
	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
	Chapter 28A.642 RCW	Discrimination prohibition
	Chapter 49.60 RCW	Discrimination — Human rights commission
	Laws of 2018, ch. 116	Wages and Advancement Opportunities—Gender
	RCW 49.60.030	Freedom from discrimination — Declaration of civil rights
	RCW 49.60.180	Unfair practices of employers
	RCW 49.60.400	Discrimination, preferential treatment prohibited
	Chapter 73.16 RCW	Employment and Reemployment
	WAC 392-190	Equal Education Opportunity – Unlawful Discrimination Prohibited
	392-190-0592	Public school employment — Affirmative action program
	42 USC §§ 2000e1 – 2000e10	Title VII of the Civil Rights Act of 1964
	20 USC §§ 1681 –1688	Title IX Educational Amendments of 1972
	42 USC §§ 12101 – 12213	Americans with Disabilities Act
	8 USC §1324	Immigration Reform and Control Act of 1986
	38 USC §§ 4301-4333	Uniformed Services Employment and Reemployment Rights Act
	29 USC § 794	Vocational Rehabilitation Act of 1973
	34 CFR § 104	Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance

	38 USC § 4212	Vietnam Era Veterans Readjustment Act of 1974
Management Resources <i>Policy &</i> <i>Legal News:</i>	July 2023	
	May 2018	
	April 2017	Helping School Districts Translate Into Action
	June 2013	Adding Legal Reference to Policy 5010
	June 2011	Laws Against Discrimination Address Equal Education Opportunities
	February 2011	Nondiscrimination
	August 2007	Washington's Law Against Discrimination
	June 2001	State Updates Military Leave Rights

Nondiscrimination and Affirmative Action

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff members, volunteers, or contractors who work on behalf of the district. It specifically governs employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No such person's status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A "respondent" will 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, and the following steps will be taken:

Affirmative Action Plan

To secure an equitable solution to a justifiable complaint the district will:

1. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the various job categories.
2. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
3. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
4. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
5. Take appropriate action to attract and retain aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
6. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

Dissemination

The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

1. Printing and distributing such information to staff, school libraries, and offices;
2. Publicizing such information in district newsletters;
3. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
4. Conducting faculty meetings and meetings with classified staff;
5. Informing appropriate and interested recruiting and hiring sources; and
6. Informing all representative staff groups in the district.

Male/Female Balance and Staff Goals

The profile of the district's current utilization of women is set forth in the Affirmative Action Plan. By the commencement of the 2014–2025 school year, the district will strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth in the Labor Market Information of the Clark County Profile statistical area. The district will see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school, and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

1. Administrators

Goal: To place females in administrative positions.

Objectives: To place females in administrative positions as they become available which falls within a range of 50% men and/or women, without using preferential employment practices.

To identify qualified potential candidates from outside the district for consideration for future openings.

2. Principals and Assistant Principals

Goal: To place females in principal positions.

Objective: To place females in principal and assistant principal positions as they occur and trained women are available, without using preferential employment practices.

3. Teachers, Elementary or grades K–8

Goal: To provide each student with the opportunity to experience both male and female homeroom teachers during the primary as well as the intermediate grades.

Objective: To achieve a staff which falls within a range of 50% men and/or women in the primary as well as the intermediate grades at each school, without using preferential employment practices.

4. Teachers, Secondary or grades 9–12

Goal: To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.

Objective: To maintain a staff which falls within a range of 50% men and/or women for classroom teachers and activity supervisors, without using preferential employment practices.

5. Support Staff - Certificated and Classified

Objective: To achieve a staff which falls within a range of 50% men and/or women, without using preferential employment practices.

Racial and Ethnic Minority Balance and Staff Goals

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in the Affirmative Action Plan. By the commencement of the 2024–2025 school year the district will strive to achieve a rate of employment for ethnic minorities in both certificated and classified areas as indicated in this plan, without using preferential employment practices. These goals are a utilization level for certificated staff, at least equal to the percentage of ethnic minority student enrollment within the district; for classified staff a utilization level of at least 17%, a figure based upon relevant availability figures in the Labor Market Information in the Clark County Profile statistical area. Final and interim goals are set out in the Affirmative Action Plan. The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions, without using preferential employment practices. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

1. Administrators

Goal: To place ethnic minorities in administrative positions, without using preferential employment practices.

Objectives: To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.

To identify qualified potential candidates from outside the district for consideration for future openings.

2. Principals and Assistant Principals

Goal: To place ethnic minorities in principal positions.

Objective: To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available, without using preferential employment practices.

3. Teachers: Elementary or grades K–8

Goal: To provide each student with the opportunity to experience ethnic minority homeroom teachers during the primary as well as the intermediate grades, without using preferential employment practices.

Objective: To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.

4. Teachers: Secondary or grades 9–12

Goal: To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.

Objective: To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

5. Support Staff - Certificated and Classified

Objective: To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

Internal Audit and Monitoring System

The superintendent's office, in compliance with [WAC 162-12, Pre-employment Inquiry Guide](#), will record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships, and terminations by age, race, sex, and other protected status. An analysis will be

made of the internal and external work force availability of racial and ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

1. Analysis of the categories of employment in relation to affirmative action goals;
2. Analysis of work force data and applicant flow;
3. Maintaining records relative to affirmative action information;
4. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
5. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
6. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff members, volunteers, or contractors who work on behalf of the district. These review procedures specifically govern employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No such person's status with the district will be adversely affected in any way because the person utilized these procedures.

Grievance means a complaint which has been filed by a staff member, volunteer, or contractor relating to alleged violations of any state or federal anti-discrimination laws.

Complaint means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

Respondent means 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. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

A. Informal Process for Resolution

When a staff member, volunteer, or contractor has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which

gave rise to the problem. The staff member, volunteer, or contractor may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member, volunteer, or contractor feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the person may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the person may proceed to the formal review procedures. During the course of the informal process, the district will notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One - Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include:

- a. A summary of the results of the investigation;
- b. Whether the district has failed to comply with anti-discrimination laws;
- c. If non-compliance is found, corrective measures the district deems necessary to correct it; and
- d. Notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complaints with limited English proficiency in accordance with Title IV of the Civil Rights Act of 1964.
- e. Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.

The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the

complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Office of Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

Level Three - Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Office of Superintendent of Public Instruction.

A complaint must be received by the Office of Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Office of Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

A complaint must be in writing and include:

- a. A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;
- b. The name and contact information, including address, of the complainant;
- c. The name and address of the district subject to the complaint;
- d. A copy of the district's complaint and appeal decision, if any; and
- e. A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other non-compliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

C. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

1. Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or
2. Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of 6 years.

Resources

1. District Contact

Julie Dobbins
Personnel and Payroll Director

2. State Contacts

Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office of Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

Sexual Harassment of District Staff Prohibited

This district is committed to a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere. The district prohibits sexual harassment of students, employees and others involved in school district activities.

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 and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of district employees by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" includes:

- Acts of sexual violence;
- Unwelcome sexual or gender-directed conduct or communication that interferes with an individual's employment performance or creates an intimidating, hostile, or offensive environment;
- Unwelcome sexual advances;
- Unwelcome requests for sexual favors;
- Sexual demands when submission is a stated or implied condition of obtaining a work opportunity or other benefit;
- Sexual demands where submission or rejection is a factor in a work or other school related decision affecting an individual.

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 intimidating, hostile, or abusive.

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

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, school staff 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 ongoing criminal investigation. A criminal investigation does not relieve the district 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 other third parties involved in school district activities. Anyone

else who engages in sexual harassment on school property or at school activities will have their access to school 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. The district 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 time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

This policy applies to sexual harassment (including sexual violence) targeted at district employees carried out by a student, employee, or a third party involved in school district activities. A formal complaint filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy 3205 and procedure 3205P.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Notice and Training

The Superintendent will develop procedures to provide information and education to district staff, parents 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 district building in a place available to staff, parents, volunteers and visitors. Information about the policy and procedure will be easily understood and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator'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.

Cross Reference:	Board Policy 3205	Sexual Harassment of Students Prohibited
	Policy 3207	Prohibition of Harassment, Intimidation & Bullying
	Policy 3210	Nondiscrimination
	Policy 3240	Student Conduct
	Policy 3421	Child Abuse, Neglect & Exploitation Prevention
	Policy 5010	Nondiscrimination & Affirmative Action
	Policy 5281	Disciplinary Action & Discharge
Legal References:	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination – Scope – Sexual Harassment Policies
	WAC 392-190-056-058	Sexual Harassment
	20 U.S.C. 1681-1688	
Management Resources:	Policy News	June 2022
	Policy News	June 2021
	Policy Alert	July 2015
	Policy News	December 2014
	Policy News	October 2011 –Policy Manual Revisions

Sexual Harassment of District Staff Prohibited

The procedure is intended to set forth the requirements of Policy 5011, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at district employees carried out by other students, employees or third parties involved in school district activities. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

A formal complaint filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy 3205 and procedure 3205P.

Notice

Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook.

In addition to the posting and reproduction of this procedure and Policy 5011, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at Hockinson School District; 17912 NE 159th St.; Brush Prairie, WA 98606.

Staff Responsibilities

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted district staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Confidentiality

If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Human Resources Director for evaluation. The Human Resources Director should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment.

Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for the same. Staff will also direct potential complainants to The Human Resources Director. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve serious misconduct.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g. allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant.
- Developing a safety plan;
- Separating staff persons; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated. The district will inform the complainant how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation.

The following process will be followed.

Filing of Complaint

- All formal complaints will be in writing; and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.

- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Investigation and Response

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure.
- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the Coordinator will compile a full written report of the complaint and the results of the investigation.

Superintendent Response

- The superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) A summary of the results of the investigation; 2) A statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed 3) If sexual harassment is found to have occurred, the corrective measures the district deems necessary including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and other support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with the Title IV of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until

the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

Level Two - Appeal to Board of Directors

Notice of Appeal and Hearing

- If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the district's board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent, or for good cause.
- Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

Decision

- Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The decision will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with the Title VI of the Civil Rights Act.
- The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction (OSPI).

Level Three – Complaint to the Superintendent of Public Instruction

Filing of Complaint

- If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Superintendent of Public Instruction.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20th) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

Investigation, Determination and Corrective Action

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review.

OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.

- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four – Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05 RCW.

Other Complaint Options

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

Mediation

At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of

mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Policy and Procedure Review

Annually the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

Management Resources:		
Policy & Legal News	July 2015	
	March 2014	

Collective Bargaining

The board encourages and promotes a good and fair working relationship among the staff. The board recognizes the right of staff to join labor organizations of their own choosing and to be represented by such organizations in the negotiations of such matters and according to such procedures as may be required by law or agreement of the parties. The board will engage in collective bargaining with the properly designated bargaining units and will abide by collective bargaining agreements reached with such properly designated bargaining units.

The chief negotiator representing the district will be appointed by the board. The chief negotiator will advise and inform the board regarding negotiations' progress and will negotiate within parameters established by the board. Any agreements reached by the chief negotiator will not be binding upon the board until formally approved by the board.

Cross Reference:	Board Policy 5021	Applicability of Personnel Policies
Legal References:	RCW 41.56.060	Determination of Bargaining Unit – Bargaining Representative
	RCW 41.59.070	Election to Ascertain Exclusive Bargaining Representative, When – Run-off Election – Decertification Election

Conflicts Between Policy and Bargaining Agreements

Except where expressly provided to the contrary, personnel policies apply to the staff of the district. However, where there is a conflict between the terms of a collective bargaining agreement and the district's policy, the law provides that the terms of the collective bargaining agreement will prevail in regard to the staff covered by that agreement.

When a matter is not specifically provided for in the appropriate negotiated contract, the district's policies will govern.

Cross Reference:	Board Policy 5020	Collective Bargaining
Legal References:	RCW 41.59.910	Construction of Chapter – Effect on Existing Agreements – Collective Bargaining Agreement Prevails Where Conflict

Contracts

A. Certificated Staff Contracts

Upon recommendation of the superintendent and approval by a majority of the board of directors, the District will offer a written contracts to those individuals hired as certificated employees. Such contracts will state the salary to be paid based upon the applicable salary schedule, the number of days of service, the effective date and the term of the contract – which will not be for more than one year.

Continuing Contracts

Certificated staff – besides the Superintendent, retire-rehires, and leave-placement employees-who do not receive timely notice of nonrenewal have a right to have their contracts renewed for another term.

Provisional Employees

Provisional employees, as defined by RCW 28A.405.220, may have their contracts nonrenewed in accordance with RCW 28A.405.220.

Retire-Rehire and leave-placement employees

Contracts with retire-rehires and persons replacing certificated staff on leave do not have continuing contract rights. Accordingly, retire-rehire and leave-replacement contracts and will include the following language: “It is understood and agreed that the staff member is employed pursuant to the provisions of RCW 28A.405.900. In accordance with the provisions of RCW 28A.405.900, this contract expires automatically at the end of the contract terms set forth herein and is not subject to the provisions of RCW 28A.405.210.”

Principal Contracts

The board reserves the right to offer a principal a two or three-year contract, provided the principal meets the following criteria.

1. They have been employed as principals for three or more consecutive years.
2. They have been recommended by the superintendent as candidates for a two or three-year contract because they have demonstrated the ability to stabilize instructional practices and received a rating of level 3 or above in their most recent comprehensive performance evaluation under RCW 28A.405.100.
3. They have met the district’s requirements for satisfying an updated record check under RCW 28A.400.303.

A three-year contract with a principal may not be renewed before the final year of the contract.

Principals who do not qualify for or are not offered a two-or three-year contract will receive contracts with one-year terms.

B. Superintendent Contracts

The superintendent may receive a contract with a term of up to three years.

The board can renew or non-renew the superintendent's contract at its sole discretion.

C. Classified Staff Contracts

Upon the recommendation of the superintendent, contracts for selected classified staff may be in writing and/or for a specific period not to exceed one year. Otherwise, the employment of classified staff will be on a month-to-month basis commencing from the first day of work

Paraeducators

All paraeducators must be at least 18 years of age, must hold a high school diploma or a recognized equivalent, and must meet one of the following requirements:

1. Earned 72 quarter credits or 48 semester credits at an institution of higher education;
2. Hold an associate of arts degree;
3. Received a passing score on one of the assessment's approved by the paraeducator's board or;
4. Completed a registered apprenticeship program.

D. Supplemental Contracts

The District may issue supplemental contracts, which are not subject to the continuing contract statute, for services to be rendered in addition to a staff member's normal "full-time" assignment. Supplemental contracts will not exceed one year, and if not renewed, will not constitute an adverse change in contract status.

E. Consultants

The District may obtain staff consultant services when unique knowledge or technical skills are needed. A description of desired services and an estimate of time and costs will be submitted to the superintendent or designee for action. The superintendent or designee will determine compensation, but normally compensation may not exceed that paid to a regular staff member with comparable duties. The superintendent or designee will determine the honorarium paid to a consultant, taking into account cost incurred and benefits derived therefrom. The District will determine the compensation classification of a consultant on a personal services contract or payroll in compliance with the guidelines of the Internal Revenue Service.

Cross References:	Board Policy 5280	Termination of Employment
Legal References:	RCW 28A.330.100	Additional powers of the board
	RCW 28A.400.010	Employment of superintendent- Superintendent's qualifications, general powers, term, contract renewal
	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

	RCW 28A.400.315	Employment contracts
	RCW 28A.405.210	Conditions and contracts of employment — Determination of probable cause for nonrenewal of contracts — Nonrenewal due to enrollment decline or revenue loss — Notice — Opportunity for hearing
	RCW 28A.405.220	Conditions and contracts of employment — Non-renewal of provisional employees — Notice – Procedure
	RCW 28A.405.240	Conditions and contracts of employment Supplemental contracts, when — Continuing contract provisions not applicable to
	RCW 28A.405.900	Certain certificated employees exempt from chapter provisions
	RCW 28A.413.040	Minimum employment requirements
	20 U.S.C 6311	State plans
Management Resources Policy & Legal News::	<i>Policy News</i> , October 2010	Employment Disclosures
	August 2003	No Child Left Behind Update
	August 2001	Legislature Authorizes “Retire-Rehire”

Civility in the Workplace

The Hockinson School Board believes that a safe, civil environment of mutual respect and orderly conduct contributes to a quality educational environment. Conversely, uncivil conduct, similar to other forms of disruptive behavior, may interfere with an employee's ability to accomplish their work and a school's ability to educate its students.

The board of directors commits the district in its entirety to the core value of mutual respect for each person regardless of individual differences or characteristics. The district expects this value to be manifested in the daily behavior of all constituents. When differences exist, stakeholders will use clear, concise, and courteous communication with the goal of arriving at a goodwill solution. Uncivil conduct on district property or at district-sponsored activities by school directors, staff, parents, volunteers, contractors, or visitors is prohibited.

Expectations of Stakeholders (Board of Directors, Employees, Parents, Volunteers, Contractors & Visitors)

In support of this policy, the board of directors expects its members and all stakeholders to:

- Treat each other and students with dignity and respect;
- Exercise reasonable, good judgement in handling interpersonal disputes;
- Exercise respect, courtesy, and concern for the dignity and cultural background of others;
- Refrain from use of abusive language;
- Model respectful problem-solving;
- Reduce actions or behaviors that might provoke fear, anger, frustration, or alienation;
- Use clear, concise, and courteous oral and written communication to arrive at goodwill solutions;
- Practice civility in all conversations and behavior;
- Be respectful of others even when in a disagreement;
- Address incivility when it is observed; and
- Seek to understand others' point of view and cultural perceptions.

Definition of Uncivil Conduct

For the purpose of this policy, "uncivil conduct" includes but is not limited to, the following:

- Using vulgar, obscene or profane gestures or words
- Using insulting or disrespectful nonverbal behaviors toward or in connection with another;
- Taunting, jeering or inciting others to taunt or jeer an individual;
- Raising one's voice at another individual, and/or repeatedly interrupting another individual who is speaking;
- Using personal epithets or slurs;
- Gesturing or behaving in a manner that puts another in fear for his/her personal safety, including invading the personal space of an individual after being directed to move away, physically blocking an individual's exit from a room or location, or

remaining in a classroom or school are after a teacher or administrator in authority has directed one to leave, or other similar disruptive conduct.

“Uncivil conduct” does not include the expression of controversial or differing viewpoints that may be offensive to some persons, so long as (1) the ideas are presented in a respectful manner and at a time and place that are appropriate, and (2) such expression does not materially disrupt, and may not be reasonably anticipated to disrupt, the educational process. Nor does “uncivil conduct” include regular supervisory-evaluations, plans for improvement, or probation.

Addressing Uncivil Conduct

Stakeholders are expected to:

- Calmly and politely caution or warn any speaker who is engaged in uncivil conduct. If the conduct does not cease, politely end the conversation;
- Attempt to resolve differences with another employee first in a private conversation. If that is not feasible or successful, request an appropriate administrator to conduct a private conference with all parties of concern;
- Resolve personal complaints or grievances with a supervisor’s decision or action by requesting a problem-solving conference with the supervisor or with the administrator’s supervisor.
- Persons who observe or experience uncivil behavior have an obligation to intervene, share their reflection with the offender about the impact of that behavior, or report the uncivil behavior to a supervisor.
- Supervisors have an obligation to address reports of uncivil behavior.

Employees who engage in uncivil behavior may be subject to corrective action or discipline. Retaliation for reporting allegations will result in discipline.

Cross References:	Policy 1620	The Board – Superintendent Relationship
	Policy 2023	Digital Citizenship and Media Literacy
	Policy 4200	Parent Access and Safe and Orderly Learning Environment
	Policy 5010	Nondiscrimination and Affirmative Action
	Policy 5011	Sexual harrassment of District Staff Prohibited
Legal References:	RCW 38A.330.100	Additional powers of board
Management Resources:	2023	April Policy Issue

Adoption Date: 08.28.23
Hockinson School District

Drug-Free Schools, Community and Workplace

The board has an obligation to staff, students and citizens to take reasonable steps to provide a reasonably safe workplace and to provide safety and high quality performance for the students who the staff serves.

For purposes of this policy, the “workplace” is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. The “workplace” includes any district building or any district property; any district-owned vehicle or any other district-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district which could also include work on a federal grant.

Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following behaviors will not be tolerated:

- A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis);
- B. Using, possessing, transmitting alcohol, illegal and/or controlled substances (including anabolic steroids) in any amount, in any manner, and at any time in the workplace;
- C. Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances including marijuana (cannabis) will be subject to disciplinary action, including termination;
- D. Using district property or the staff member's position within the district to make or traffic alcohol, illegal and/or controlled substances; and
- E. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with the district office, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee will notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace. Such notification will be provided no later than 5 days after such conviction. The district will inform the federal government within 10 days of such conviction, regardless of the source of the information.

Disciplinary Action

Each employee will be notified of the district's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy will be subject to disciplinary action, which may include termination. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the district, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the

district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding a staff member's violation of this policy at the district's discretion or take other actions as the district deems appropriate.

Cross References:	Board Policy 3423	Parental Administration of Marijuana for Medical Purposes
	Board Policy 4215	Use of Tobacco, Nicotine Products, and Delivery Devices
	Board Policy 5280	Separation from Employment
Legal References:	RCW 69.50.435	Violations committed in or on certain public places or facilities —Additional penalty — Defenses — Construction — Definitions
	41 U.S.C. § 81043	Drug Free Workplace Requirements for Federal Grant Recipients
	21 U.S.C. § 812	Controlled Substance Act
	20 U.S.C §§ 7101-71187	Safe and Drug-Free Schools and Communities Act [as amended by Title IV – 21 st Century Schools]
Management Resources Policy & Legal News:	July 2019	
	December 2015	
	February 2013	
	December 2011	
	February 1999	Bus drivers still tested for marijuana

Job-Sharing Staff Members

A job-sharing assignment is the shared performance of the duties of one full-time, regular position by two (2) employees.

The superintendent/designee is responsible for recommending to the board when the best interests of students and the district would be served by creating a job-sharing assignment for a particular position.

The district reserves the authority to:

- A. Determine the number of job-sharing positions, if any, within the district;
- B. Require the employee to develop a written plan for sharing the performance of the position and to secure the written approval of their supervisor;
- C. Dissolve any job-sharing assignment, or change a job-sharing position to a full time position held by one employee, at the sole discretion of the district in accordance with applicable provisions of collective bargaining agreements;
- D. Consider any request to create a job-sharing position in a position currently held by one employee, or vice versa;
- E. At the sole discretion of the district, require job-sharing staff members to work full-time in the event of the termination or resignation of one of the job-sharing staff members.

Employees sharing a position will sign a job-sharing agreement annually subject to the approval of the superintendent/designee. The agreement will identify contingencies which may arise during the course of employment including, but not limited to, responsibility for participation in staff meetings and committees of the position to be shared.

Cross References:	Board Policy 5000	Recruitment and Selection of Staff
	Board Policy 5005	Employment: Disclosures, Certification Assurances and Approval
Legal References:	RCW 28A.400.300	Hiring and Discharging Employees – Written Leave Policies – Seniority and Leave Benefits of Employees Transferring Between School Districts and Other Educational Employers
	RCW 28A.405.070	Job Sharing

Length of Work Day

Administrators

Administrators are Fair Labor Standards Act (FLSA) exempt and do not have regularly set, pre-determined work hours. Administrators are expected to report to work during the established public hours of the site(s) to which the administrator is assigned and consistent with all district expectations and directives. Administrators are expected to work before and after established public hours of the assigned site(s) to accomplish job duties.

Certificated Staff

Regular building hours for teachers and other certificated, non-administrative staff will be one-half hour before school starts to one-half hour after school ends, unless otherwise negotiated, including a 30-minute duty-free lunch period. Individual schools may request a board waiver from these district-wide provisions consistent with applicable provisions of collective bargaining agreements. The starting and dismissal times for students, which may vary from school to school, will be determined by the district.

Fulfilling professional responsibilities will often require that teachers spend time outside of building hours. Such professional responsibilities include:

- A. Preparing for instruction of classes, planning lessons;
- B. Consulting with students, grading assignments, completing paperwork;
- C. Improving communication with parents, including but not limited to, initiating contact with parents after or before building hours;
- D. Participating in curriculum development committees leading towards the improvement of the educational program;
- E. Attending staff meetings, including attending necessary professional development, provided by the district, to improve and maintain teaching skills;
- F. Supervising and directing co-curricular activities not specifically included in the district's co-curricular program; and
- G. Participating in such other activities that pertain to the district's educational program.

A classified hourly staff member will be paid at the rate of one and one-half times the salary schedule rate when he/she works for more than 40 hours during the regular work week or consistent with applicable provisions of collective bargaining agreements. The regular work day will include one 15 minute break for each four hours of work. A lunch period not to exceed one hour will be scheduled, but will not be counted for pay purposes. The district will be responsible for establishing the work day schedule for each classified staff member.

In the event a supervisor requests that a staff member work beyond the specified working hours and thus exceeds the 40 hours during the established work week, the district may grant, at the staff member's request, compensating time off in lieu of overtime pay consistent with applicable provisions of collective bargaining agreements. A staff member may accumulate up to 240 hours of compensatory time. When the staff member reaches the 240-hour limit compensatory time will cease to accrue and the staff member, must either take compensatory time off or receive pay for such excess hours.

Custodial/maintenance and office staff will report for work when schools are closed for bad weather when required by the superintendent/ designee. If unable to safely report to work, staff may use personal or sick leave.

Legal References:	29 USC § 201 et seq.	Fair Labor Standards Act
	RCW 28A.405.140	Assistance for Teacher may be Required after Evaluation
	RCW 28A.405.466	Presence of Certificated Personnel at School before and after School - Policy
	49.46.120	Chapter Establishes Minimum Standards and is Supplementary to other Laws – More Favorable Standards Unaffected
	49.46.130	Minimum Rate of Compensation for Employment in Excess of Forty Hour Work Week - Exceptions
	WAC 296-128-550	Regular Rate of Pay
	WAC 296.128.560	Compensating Time off in Lieu of Overtime pay
Management Resources:	Policy News, August 2012	Added RCW
	Policy News, June 2006	Certificated Staff Work Hours

Length of Work Day

Overtime and/or Compensatory Time for Eligible Staff

To comply with the Fair Labor Standards Act and the laws and rules of the State of Washington, the following procedures will be established:

- A. Exempt or non-exempt status:** All certificated staff are exempt from the 40-hour work week. The district will determine the status of classified employees based upon the criteria established for defining administrative executive (WAC 296-128-520) or professional (WAC 296-128-530) status and any additional FLSA standards.
- B. Work week:** Seven consecutive 24-hour periods make up the work week. Staff members are entitled to 1-1/2 times the regular rate of pay for all hours worked in excess of 40 hours per week if the overtime pay option is chosen. A staff member may plan, in conjunction with their supervisor, to take compensatory "time off" (straight time) in lieu of overtime pay so long as the staff member's assigned responsibilities are adequately covered during the planned absence. Compensatory "time off" will accumulate at the rate of 1-1/2 times the hours worked, or the staff member may accumulate up to 240 hours of compensatory time at which time the staff member must either take compensating "time off" or receive pay for such excess hours. Staff members will not perform any work during assigned lunch periods or before or after their normal schedule regardless of the voluntary nature of the work. Staff members who violate this regulation may be subject to disciplinary action.
- C. Travel time:** Travel time, during a workday, to a meeting is compensable if done in a private vehicle and when it is required by the district.
- D. Meal periods:** Staff members will not perform any duties during their lunch period.
- E. Non-working time:** Time between shifts will be free of responsibilities or obligations. Standby time can be negotiated but must be at the rate of the minimum wage or more.
- F. Records:** Records must be kept for a minimum of three years. A staff member's signature must appear on the time slip or sheet, which shows the hours worked each day. U. S. Department of Labor posters must be posted at each site.

Evaluation of Staff

The Board recognizes that the professional growth and evaluation of individual employees is important to improve the effectiveness and efficiency of the District. Staff are expected to perform the duties identified in their contracts and/or job descriptions, in addition to any other reasonable responsibilities that may be assigned or directed by their supervisor.

Certificated Teachers and Principals

Evaluations for certificated teachers and principals will be in compliance with the requirements of chapter [28A.405 RCW](#) and applicable collective bargaining agreements or memoranda negotiated pursuant to chapter [41.59 RCW](#). The primary purpose of such evaluations will be to enhance and improve an employee's performance so as to improve student learning.

Certificated Support Personnel

"Certificated support personnel" and "certificated support person" mean a certificated employee who provides services to students and holds one or more of the education staff associate (ESA) certificates pursuant to [WAC 181-79A-140\(5\)](#). ESA certification includes: school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers.

Certificated support personnel are considered non-classroom teachers for purposes of the Professional Growth and Evaluation System and are not subject to the four-level rating system. The performance of certificated support personnel will be evaluated consistent with state law and applicable collectively bargained processes. The purpose of such evaluations will be to improve the employee's performance and alert the employee to any performance deficits or concerns.

Other Administrative Staff

The performance of administrative staff other than certificated principals and assistant principals as referenced in the section above may be evaluated at least once a year. The purpose of such evaluations will be to improve the employee's performance and alert the employee to any performance deficits or concerns.

Classified Staff

The performance of classified staff may be annually evaluated at least once per year by his/her supervisor consistent with applicable collectively bargained processes. The purpose of such evaluations will be to improve the employee's performance and alert the employee to any performance deficits or concerns.

Cross References:	Board Policy 5230	Job Descriptions/Responsibilities
	Board Policy 5280	Separation From Employment
Legal References:	RCW 28A.400.100	Principals and vice principals – Employment of – Qualifications – Duties
	RCW 28A.405.100	Minimum criteria for the evaluation of certificated employees, including administrators — Procedure — Scope — Models — Penalty

	RCW 28A.405.110	Evaluations — Legislative findings
	RCW 28A.405.120	Training for evaluators
	RCW 28A.405.130	Training in evaluation procedures required
	WAC 392-191-010	Minimum evaluation criteria — certificated classroom teachers
	WAC 392-191-020	Minimum evaluation criteria — certificated support personnel
	WAC 392-191-035	Conduct of the Evaluation
	WAC 392-191-045	Use of Evaluation Results SHB 1346 Nurses in Schools—Authority—Supervision
Management Resources Policy & Legal News:	July 2017	
	December 2015	
	April/May 2013	TPEP: Revisions to Professional Growth and Evaluation of School Personnel
	February 2013	Professional Growth and Evaluation of School Personnel

Evaluation of Staff

Certificated Classroom Teachers

Pursuant to state law implementing the Professional Growth and Evaluation of School Personnel system, the board will adopt the instructional framework and the evaluative criteria and procedures with which to evaluate all certificated classroom teachers and post the selection of the instructional framework on its website. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district. It is the responsibility of a principal or his/her designee to evaluate all certificated classroom teachers in his or her school using the board's adopted minimum criteria.

1. Comprehensive summative evaluation, annual comprehensive summative evaluation and focused evaluation

Certificated classroom teachers will receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria must contribute to the comprehensive summative evaluation performance rating. The evaluation must include an assessment of the criteria using the instructional framework rubric chosen by the district and the OSPI approved student growth rubrics. More than one measure of student growth data must be used in scoring the student growth rubrics.

Certificated classroom teachers will receive an annual comprehensive summative evaluation if they are provisional employees under RCW 28A.405.220, or received a comprehensive summative evaluation performance rating of Level 1 or Level 2 in the previous school year, once they have transitioned to the new evaluation systems.

A certificated classroom teacher with four years of satisfactory evaluations in the district may be transitioned into the revised evaluation system using a focused evaluation, and will then be evaluated on the four year cycle for comprehensive evaluation.

Certificated classroom teachers will receive a focused evaluation in the years when a comprehensive summative evaluation is not required if they received a comprehensive summative evaluation performance rating of Level 3 or above in the previous school year. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

2. Observation

Certificated classroom teachers will be observed for the purposes of a summative or annual comprehensive evaluation or a focused evaluation at least twice each school year in the performance of their duties for a total observation time of no less than 60 minutes.

New certificated classroom teachers will be observed in the performance of their duties at least once during the first 90 calendar days of their employment for a total observation time of no less than 30 minutes

Certificated classroom teachers in the third year of provisional status will be observed in the performance of their duties at least three times during the school year for a total observation time of no less than 90 minutes.

Each certificated classroom teacher will have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

3. Evaluation report

The evaluator will promptly document the results of the observation or series of observations and will, within three days, provide a copy of the evaluation report to the certificated classroom teacher. The certificated classroom teacher will sign the district's original evaluation report to indicate that he/she has received a copy, although the signature does not necessarily imply agreement with the contents of the evaluation report. The evaluator will provide the certificated classroom teacher the opportunity to attach written comments to his/her report, and then ensure each evaluation report is placed in that individual's personnel file.

4. Minimum criteria for evaluation of certificated classroom teachers:

- Centering instruction on high expectations for student achievement. The related descriptor is: Expectations; the teacher communicates high expectations for student learning.
- Demonstrating effective teaching practices. The related descriptor is: Instruction; the teacher uses research-based instructional practices to meet the needs of all students.
- Recognizing individual student learning needs and developing strategies to address those needs. The related descriptor is: Differentiation; the teacher acquires and uses specific knowledge about students' cultural, individual, intellectual and social development and uses that knowledge to adjust their practice by employing strategies that advance student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- Providing clear and intentional focus on subject matter content and curriculum. The related descriptor is: Content knowledge; the teacher uses content area knowledge, learning standards, appropriate pedagogy and resources to design and deliver curricula and instruction to impact student learning.
- Fostering and managing a safe, positive learning environment. The related descriptor is: Learning environment; the teacher fosters and manages a safe and inclusive learning environment that takes into account the physical, emotional and intellectual well-being of students.
- Using multiple student data elements to modify instruction and improve student learning. The related descriptor is: Assessment; the teacher uses multiple data elements (both formative and summative) to plan, inform, and adjust instruction, and evaluate student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- Communicating and collaborating with parents and school community. The related descriptor is: Families and community; the teacher communicates and collaborates with students, families and all educational stakeholders in an ethical and professional manner to promote student learning.
- Exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. The related descriptor is: Professional practice; the teacher participates collaboratively in the educational community to improve instruction, advance the knowledge and practice of teaching as a profession, and ultimately impact student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.

5. Analysis of evidence

- The evaluator will analyze the evidence observed according to the appropriate criterion, the instructional framework and student growth rubrics.

- The evaluator will calculate all criterion scores to derive an overall summative score and then determine the final four-level rating (summative performance rating) based on the OSPI summative evaluation scoring band.
- In evaluating certificated classroom teachers, student input may be included.

6. Summative performance ratings

- **Level 1: Unsatisfactory.** Professional practice shows evidence of not understanding the concepts underlying individual components of the criteria. This level of practice is ineffective and inefficient and may represent practice that is harmful to student learning progress, professional learning environment, or individual teaching practice. This level requires immediate intervention.
- **Level 2: Basic.** Professional practice shows a developing understanding of the knowledge and skills of the criteria required to practice, but performance is inconsistent over a period of time due to lack of experience, expertise, and/or commitment. This level may be considered minimally competent for teachers early in their careers but insufficient for more experienced teachers. This level requires specific support.
- **Level 3: Proficient.** Professional practice shows evidence of thorough knowledge of all aspects of the profession. This is successful, accomplished, professional and effective practice. Teaching at this level utilizes a broad repertoire of strategies and activities to support student learning. At this level, teaching is strengthened and expanded through purposeful, collaborative sharing and learning with colleagues as well as ongoing self-reflection and professional improvement.
- **Level 4: Distinguished.** Professional practice at is that of a master professional whose practices operate at a qualitatively different level from those of other professional peers. To achieve this rating, a teacher would need to have received a majority of distinguished ratings on the criterion scores. A teacher at this level must show evidence of average to high impact on student growth. Ongoing, reflective teaching is demonstrated through the highest level of expertise and commitment to all students' learning, challenging professional growth and collaborative practice.

7. Student growth impact rating

- Upon completing the overall summative scoring process, the evaluator will combine only the student growth rubric scores to assess the student growth impact rating.
- The evaluator will determine the student growth impact according to OSPI's student impact rating scoring band. A student growth score of '1' in any of the rubric rows will result in an overall low student growth impact rating.
- The evaluators will analyze the student growth score in light of the overall summative score and determine the outcomes.

8. Student growth rating outcomes

- Certificated classroom teachers with a preliminary rating of Distinguished with low student growth rating will receive an overall Proficient rating.
- Certificated classroom teachers with a low student growth rating will engage with their evaluator in a Student Growth Inquiry.
- Certificated classroom teachers with a preliminary rating of Distinguished with average or high student growth rating will receive an overall Distinguished rating and will be formally recognized and/or rewarded.

Evaluations of certificated classroom teachers with a preliminary rating of Unsatisfactory and high student growth rating will be reviewed by the evaluator's supervisor.

9. Student growth inquiry

Within two months of a certificated classroom teacher receiving a low student growth score or at the beginning of the following school year, whichever is later, the evaluator will initiate one or more of the following:

- Examine student growth data in conjunction with other evidence including observation, artifacts and other student and teacher information based on appropriate classroom, school, district and state-based tools and practices;
- Examine extenuating circumstances which may include one or more of the following: Goal setting process; content and expectations; student attendance and extent to which standards, curriculum and assessment are aligned;
- Schedule monthly conferences focused on improving student growth to include one or more of the following topics: Student growth goal revisions, refinement, and progress; best practices related to instruction areas in need of attention; best practices related to student growth data collection and interpretation;
- Create and implement a professional development plan to address student growth areas.

10. Focused evaluation

Certificated classroom teachers will be observed for the purpose of focused evaluation twice each school year for a total observation time of no less than 60 minutes.

The focused evaluation will include, at a minimum:

- One of the eight criteria for certificated classroom teachers must be assessed in every year that a comprehensive evaluation is not required.
- The selected criterion must be approved by the teacher's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention.
- The evaluation must include an assessment of the criterion using the instructional framework rubrics and the OSPI approved student growth rubrics. More than one measure of student growth data must be used in scoring student growth rubrics.
- The focused evaluation will include the student growth rubrics of the selected criterion. If criterion 3, 6, or 8 is selected, evaluators will use those student growth rubrics. If criterion 1, 2, 4, 5 or 7 is selected, evaluators will use criterion 3 or 6 student growth rubrics.
- A summative score is calculated through the scoring of the instructional and student growth rubrics for the criterion selected.

A certificated classroom teacher may be transferred from a focused evaluation to a comprehensive summative evaluation at his/her request or at the direction of his/her evaluator.

Certificated classroom teachers may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

11. Notice of deficiency and reasonable program for improvement

At any time after October 15, a certificated classroom teacher whose work is not judged satisfactory based on district evaluation criteria will be given a written notice of deficiency that lists specific areas of deficiencies and provides a reasonable program for improvement. For certificated classroom teachers who have been transitioned to the revised evaluation system, the following summative performance ratings mean that his/her work is not judged satisfactory:

- Level 1
- Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the Level 2 rating has been received for two consecutive years or for two years within a consecutive three-year time period.

12. Probation

A probationary period of 60 school days will be established for those certificated classroom teachers whose work is not judged satisfactory. This period may be extended if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probation period is concluded before May 15 of the same school year. The probation period may be extended to the following school year if the probationer has five or more years of teaching experience and a comprehensive summative evaluation performance rating as of May 15 of Level 1.

The superintendent will establish the probationary period and provide the notice of deficiency to the probationer. The purpose of the probation period is to give the probationer the opportunity to demonstrate improvements in his or her area of deficiency. The establishment of a probationary period does not adversely affect the probationer's contract status within the meaning of RCW 28A. 405.300.

During the period of probation, the probationer may not be transferred from the supervision of the original evaluator. The original evaluator must document any improvement of performance or probable cause for non-renewal before any consideration of a request for transfer or reassignment contemplated by either the probationer or the district can occur.

During the probation period, the evaluator will meet with the probationer at least twice monthly to supervise and make a written evaluation of progress, if any, made by the probationer.

The evaluator may authorize one additional certificated staff member to evaluate the probationer and to aid them in improving their area of deficiency. Should the evaluator not authorize an additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process. This request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational services district.. Such additional certificated staff members will be immune from civil liability incurred or imposed during an otherwise good faith performance of an evaluation. Procedural errors occurring during a program for improvement do not invalidate the effectiveness of the plan or the ability to evaluate the probationer's performance.

13. Removal from probation

The probationer will be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in the specific areas detailed in the notice of deficiency and in the program for improvement. Certificated classroom teachers who have been transitioned to the revised evaluation system implemented by September 1, 2013, must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of Level 2 or above for a provisional employee or for a continuing contract employee with five or fewer years of experience or of level 3 or above for a continuing contract employee with more than five years of experience.

14. Lack of improvement while on probation

If a probationer does not show necessary improvement during the probation period, the evaluator will document the lack of necessary improvement and the superintendent will notify the probationer in writing that this constitutes grounds for a finding of probable cause for non-renewal as provided in Policy 5280, Termination of Employment.

When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below Level 2 for two consecutive years, the district will implement the employee notification of discharge within ten days of the second summative comprehensive evaluation or May 15, whichever occurs first.

15. Alternative assignment

Immediately following the completion of the probationary period that does not produce necessary performance changes detailed in the initial notice of deficiencies and program for improvement, a certified classroom teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year

A certificated classroom teacher who has been transitioned to the revised evaluation system may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance rating of Level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience or of Level 3 or above for a continuing contract employee with more than five years of experience. The alternative assignment may not displace another staff member or adversely affect the certified classroom teacher's compensation or benefits for the remainder of the contract year. In the event such alternative assignment is not possible, the district may place the staff person on paid leave for the balance of the contract term.

16. Notification of discharge

If a contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below Level 2 for two consecutive years, the district will, within 10 days of completion of the second evaluation or by May 15, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300 and Policy 5280, Termination of Employment.

Evaluation of Certificated Principals and Assistant Principals

Pursuant to state law implementing the Professional Growth and Evaluation of School Personnel system, the board will adopt the leadership framework and the evaluative criteria and procedures with which to evaluate all certificated principals and assistant principals and post the selection of the leadership framework on its website. It is the responsibility of the superintendent or his or her designee to evaluate certificated principals and assistant principals using the board adopted leadership framework.

1. Comprehensive summative evaluation, annual comprehensive summative evaluation and focused evaluation

Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluation of principal performance on an annual basis.

All principals will receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria applicable to that principal and all criteria contribute to the comprehensive summative evaluation performance rating.

Principals will receive an annual comprehensive summative evaluation if they:

- Are in their first three consecutive school years of employment as a principal;
- Were previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and are in the first full year as a principal in the school district; or

- Received a comprehensive summative evaluation performance rating of Level 1 or 2 in the previous school year

In the years when a comprehensive summative evaluation is not required, principals who received a comprehensive summative evaluation performance rating of Level 3 or above in the previous school year will receive a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

In any given year the principal or the supervisor may elect to conduct a comprehensive summative evaluation to be used as a basis for determining that a staff member's work is unsatisfactory or to serve as the basis for determining that there is probable cause for non-renewal, unless the locally bargained evaluation process provides otherwise.

**2. Minimum criteria for evaluation of principals and assistant principals:
Evaluation of principals and assistant principals will be based on the administrative position job description and the following minimum criteria:**

- Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff. The related descriptor is: An effective leader advocates, nurtures and sustains a school culture and instructional program that promotes student learning and staff professional growth.
- Demonstrating commitment to closing the achievement gap. The related descriptor is: An effective leader has a commitment to closing identified gaps in achievement between groups of students, monitoring subgroup data and developing and encouraging strategies to eliminate those gaps. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- Providing for school safety. The related descriptor is: An effective leader teams with the school's community to develop routines and expectations that create a physically and emotionally safe learning environment.
- Leading the development, implementation and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements. The related descriptor is: An effective leader relies on data to promote improvement through school improvement plans in all aspects of the school and across all of the eight principal evaluation criteria. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- Assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local school district learning goals. The related descriptor is: An effective leader assumes responsibility to assist staff with the alignment of their teaching and classroom assessments with the state's learning goals and the school district's curriculum.
- Monitoring, assisting and evaluating effective instruction and assessment practices. The related descriptor is: An effective leader monitors teaching and uses the evaluation process and other strategies to support teachers' efforts to strengthen their teaching and learning in classrooms. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- Managing both staff and fiscal resources to support student achievement and legal responsibilities. The related descriptor is: An effective leader manages human and fiscal resources in ways that enhance the likelihood that students will thrive and succeed in achieving the school's goals for them.
- Partnering with the school community to promote student learning. The related descriptor is: An effective leader engages families and the community in ways that increase the success of students.

3. Analysis of evidence

- The evaluator will analyze the evidence observed according to all eight criteria, the leadership framework rubric and the OSPI approved student growth rubrics. More than one measure of student growth data must be used in scoring the student growth rubrics. Input from building staff may be included in the analysis.
- The evaluator will calculate all criterion scores to derive an overall summative score and then determine the final four-level rating (summative performance rating) based on the OSPI-determined summative evaluation scoring band.
- Upon completing the overall summative scoring process, the evaluator will combine only the student growth rubric scores to assess the principal's student growth impact rating. The student growth impact rating will be determined by OSPI's student impact rating scoring band.
- A student growth score of "1" in any of the rubric rows will result in an overall low student growth impact rating.

4. Summative performance ratings

- **Level 1:** Unsatisfactory. Professional practice shows evidence of not understanding the concepts underlying individual components of the criteria. This level of practice is ineffective and inefficient and may represent practice that is harmful to student learning progress, professional learning environment, or individual leading practice. This level requires immediate intervention.
- **Level 2:** Basic. Professional practice shows a developing understanding of the knowledge and skills of the criteria required to practice, but performance is inconsistent over a period of time due to lack of experience, expertise, and/or commitment. This level may be considered minimally competent for principals early in their careers but insufficient for more experienced principals. This level requires specific support.
- **Level 3:** Proficient. Professional practice at shows evidence of thorough knowledge of all aspects of the profession. This is successful, accomplished, professional and effective practice. Leading at this level utilizes a broad repertoire of strategies and activities to support student learning. At this level, leading a school is strengthened and expanded through purposeful, collaborative sharing and learning with colleagues as well as ongoing self-reflection and professional improvement.
- **Level 4:** Distinguished. Professional practice is that of a master professional whose practices operate at a qualitatively different level from those of other professional peers. To achieve this rating, a principal would need to have received a majority of distinguished ratings on the criterion scores. A principal at this level must show evidence of average to high impact on student growth. Ongoing, reflective leading is demonstrated through the highest level of expertise and commitment to all students' learning, challenging professional growth and collaborative practice.

5. Student growth rating outcomes

- Principals with a preliminary rating of Distinguished with low student growth rating will receive an overall Proficient rating.
- Principals with a low student growth rating will engage with their evaluator in a Student Growth Inquiry focused on specific areas of weak student impact.
- Principals with a preliminary rating of Distinguished with average or high student growth rating will receive an overall Distinguished rating and will be formally recognized and/or rewarded.
- Evaluations of principals with a preliminary rating of Unsatisfactory and high student growth rating will be reviewed by the evaluator's supervisor.

6. Comprehensive summative performance ratings

For principals who have been transitioned to the revised evaluation system, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

- Level 1
- Level 2 if the principal has more than five years of experience in the principal role and if the Level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year period.

7. Student growth inquiry

Within two months of a principal receiving a low student growth score or at the beginning of the following school year, whichever is later, the evaluator will initiate one or more of the following:

- Examine student growth data in conjunction with other evidence including observation, artifacts and other student and teacher information based on appropriate classroom, school, district and state-based tools and practices;
- Examine extenuating circumstances which may include one or more of the following: Goal setting process; content and expectations; student attendance; extent to which standards, curriculum and assessment are aligned;
- Schedule monthly conferences focused on improving student growth to include one or more of the following topics: Student growth goal revisions, refinement, and progress; best practices related to instruction areas in need of attention; best practices related to student growth data collection and interpretation;
- Create and implement a professional development plan to address student growth areas.

8. Focused evaluation

A focused evaluation of a principal will include the following:

- Assessment of one of the eight criteria for principals in every year that a comprehensive evaluation is not required.
- The selected criterion must be approved by the principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention.
- The evaluation must include an assessment of the criterion using the leadership framework rubrics and the OSPI approved student growth rubrics. More than one measure of student growth data must be used in scoring student growth rubrics.
- The student growth rubrics selected by the principal and approved by the principal's evaluator.
- A summative score determined through scoring of the leadership and student growth rubrics for the criterion selected.

A principal may be transferred from a focused evaluation to a comprehensive summative evaluation at his/her request or at the direction of his/her evaluator.

Principals may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

9. Notice of deficiency and reasonable program for improvement

At any time after October 15, a principal whose work is not judged satisfactory based on district evaluation criteria will be given a written notice of deficiency that lists specific areas of deficiencies and provides a reasonable program for improvement.

10. Lack of improvement/Notice of Discharge

Evaluation of Certificated Support Personnel

The board will establish evaluative criteria and procedures for all certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

1. Observation

Certificated support personnel will be observed in the performance of their duties at least twice each school year. At least one observation will be for no less than 30 minutes. Total observation time for each employee for each school year will not be less than 60 minutes. Prior to being transitioned to the new evaluation system, a certificated support person who has four years of satisfactory evaluations in the district may be evaluated using a short form evaluation pursuant to RCW 28A.405.100(11). However, after being transitioned to the new evaluation system, these employees must be evaluated using either a focused or comprehensive evaluation.

New employees will be observed in the performance of their duties at least once during the first 90 calendar days of their employment for a total observation time of no less than 30 minutes.

Employees in the third year of provisional status will be observed in the performance of their duties at least three times during the school year for a total observation time of no less than 90 minutes.

Each certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

2. Minimum criteria for evaluation of certificated support personnel:

- Knowledge and scholarship in special field: The certificated support person demonstrates a depth and breadth of theory and content in his/her specialized field. He/she demonstrates an understanding of and knowledge about common school education, and demonstrates the ability to integrate the area of specialty into the school environment.
- Specialized skills: The certificated support person demonstrates a competent level of skill and knowledge in designing and conducting specialized programs of prevention, intervention, remediation and evaluation.
- Management of special and technical environment: The certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.
- Professionalism: The certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.
- Involvement in assisting students, parents and staff: The certificated support person demonstrates an acceptable level of performance in identifying those needing specialized programs.

3. Evaluation report

The evaluator will promptly document the results of the observation or series of observations and will, within three days, provide a copy of the evaluation report to the certificated support personnel. The certificated support personnel will sign the district's original evaluation_report

to indicate that he/she has received a copy, although the signature does not necessarily imply agreement with the contents of the evaluation report. The evaluator will provide the certificated support personnel the opportunity to attach written comments to his/her report, and then ensure each evaluation report is placed in that individual's personnel file.

4. Evaluation results for certificated support personnel

Evaluation results for certificated support personnel will be used to:

- Acknowledge, recognize and encourage excellence in the certificated support person's professional performance;
- Document the level of performance by an employee of his/her assigned duties;
- Identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement;
- Document performance by an employee judged unsatisfactory based on the district evaluation criteria.

5. Notice of deficiency and reasonable program for improvement

At any time after October 15, certificated support personnel whose work is not judged satisfactory based on district evaluation criteria will be given a written notice of deficiency that lists specific areas of deficiencies and provides a reasonable program for improvement.

6. Probation

A probationary period of 60 school days will be established for those certificated support personnel whose work is not judged satisfactory. This period may be extended if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probation period is concluded before May 15 of the same school year. The probation period may be extended to the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15 of Level 1.

The superintendent will establish the probationary period and provide the notice of deficiency to the probationer. The purpose of the probation period is to give the probationer the opportunity to demonstrate improvements in his or her area of deficiency. The establishment of a probationary period does not adversely affect the probationer's contract status within the meaning of RCW 28A.405.300.

During the period of probation, the probationer may not be transferred from the supervision of the original evaluator. The original evaluator must document any improvement of performance or probable cause for non-renewal before any consideration of a request for transfer or reassignment contemplated by either the probationer or the district can occur.

During the probation period, the evaluator will meet with the probationer at least twice monthly to supervise and make a written evaluation of progress, if any, made by the probationer. The evaluator may authorize one additional certificated staff member to evaluate the probationer and to aid them in improving their area of deficiency.

Should the evaluator not authorize an additional evaluator, the probationer may request that one additional certificated employee evaluator participate in the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located. Such additional certificated staff members will be immune from civil liability incurred or imposed during an otherwise good faith performance of an evaluation. Procedural errors occurring during a program for improvement do not invalidate the effectiveness of the plan or the ability to evaluate the probationer's performance.

7. Removal from probation

The probationer will be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in the specific areas detailed in the notice of deficiency and in the program for improvement.

8. Lack of improvement while on probation

If a probationer does not show necessary improvement during the probation period, the evaluator will document the lack of necessary improvement and notify the probationer in writing that this constitutes grounds for a finding of probable cause for non-renewal.

9. Alternative assignment

Immediately following the completion of the probationary period that does not produce necessary performance changes detailed in the initial notice of deficiencies and program for improvement, certificated support personnel may be removed from their assignment and placed into an alternative assignment for the remainder of the school year.

The alternative assignment may not displace another staff member or adversely affect the certificated support person's compensation or benefits for the remainder of the contract year. In the event such alternative assignment is not possible, the district may place the certificated support person on paid leave for the balance of the contract term.

10. Notice of Discharge

Evaluation of Other Administrative Staff

The Superintendent will develop and implement a system for evaluating administrative staff other than certificated principals and assistant principals as referenced in the section above.

The evaluative criteria for other administrative staff will be:

1. Leadership;
2. Administration and Management;
3. School Finance;
4. Professional preparation and scholarship;
5. Effort toward improvement when needed;
6. Interest in students, staff, patrons and subjects taught in schools; and
7. Evaluation of staff.

Evaluation of Classified Staff

The Superintendent will develop and implement a system for evaluating classified staff. Except as otherwise developed in accordance with the duty to bargain in chapter 41.56 RCW, the evaluative criteria for classified staff will be based upon the job description of the specific assignment.

Conflicts of Interest

General Rule

No district employee will engage in or have a direct financial interest in any activity which conflicts with his/her duties and responsibilities.

Situations where a conflict of interest may exist include but are not limited to:

- A. Receiving economic benefit from selling or promoting the sale of goods or services to the students or their parents where the knowledge of the staff member's relationship to the district is in any way utilized to influence the sale.
- B. Receiving economic benefit from the sale of instructional and training materials and/or equipment where the district has specifically engaged a staff member(s) to develop such materials or equipment. In such instances, the district will retain a proprietary interest.
- C. Encouraging a student who is enrolled in one or more of the teacher's classes to take private lessons or to engage tutoring for fee from the staff member.
- D. Using or providing for others a list of names and home addresses obtained from school records or school-related contacts for purposes of identifying potential client or customer contacts.
- E. Participating in any way in the selection process for materials, books or equipment when an item developed by or authored by the staff member or a member of his/her family is under consideration for approval for district use.
- F. Being involved in the selection of an applicant or in the appointment, evaluation or supervision of any other staff member who is a family member.
- G. Using the interschool mail or email to promote sales of a product in which a staff member has a financial interest.
- H. Providing a staff or student directory for use in promoting sales of a product or service.
- I. Purchasing or otherwise acquiring surplus district property, where the staff member was involved in or had influence in the process of declaring the item(s) as surplus.

Written permission from the superintendent/designee or principal is necessary when:

- A. A certificated staff member wishes to tutor or give private lessons for a fee to any student who is enrolled in one or more of the teacher's classes;
- B. A certificated staff member, such as communication disorder specialists, psychologists or specialized music teachers, wishes to give private instruction for a fee to any student who is concurrently being served by that individual in the regular school program.

Exceptions

A district employee may use public resources to benefit others as part of the employee's official duties, if the expenditure is of *de minimus* value (of little or no value; no impact on public funds) and is purchased with the consent of his/her supervisor.

Legal Reference:	RCW 28A.400.332	Use of Persons, Money or Property for Private Gain
	WAC 181.87.090	Improper Remunerative Conduct

Adoption Date: 02.25.03
Hockinson School District
Revised: 03.26.12; 12.14.15

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 district property during working hours. District property and work 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 district or the provisions of any applicable collective bargaining agreement. District employees who hold elective or appointive public office in an organization are not entitled to time off from their district duties for reasons incident to such offices unless the circumstances surrounding the leave request qualify under leave policies of the district.

Cross Reference	Board Policy 4400	Election Activities
Legal References	RCW 41.06.250	Political Activities
	RCW 42.17A.555	Use of public office or agency facilities in campaigns – Prohibitions – Exceptions
	RCW 42.17A.635	Legislative activities of state agencies, other units of government, elective officials, employees

Staff Participation in Political Activities

Guidelines for staff participation in political activities are as follows:

- A.** Any employee who intends to campaign for an elective political office is encouraged to submit a statement of intent to the superintendent at least two weeks prior to the filing date. The letter of intent to file for political office will include a statement which outlines:
 - 1. The degree to which the employee might request leave to make personal appearances during work hours; and
 - 2. The anticipated release time to conduct the duties associated with the elective office.
- B.** The employee who intends to campaign for an elective office will be advised that:
 - 1. Political activities will not occur during the working hours of the employee. This will not preclude the employee from renting space if such space is available on a rental basis for candidates who are not associated with the school district;
 - 2. Political circulars, petitions or endorsements may not be distributed or posted on school property;
 - 3. The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property; and
 - 4. The use of students for writing or addressing political materials, or the distribution of such materials to or by students is prohibited.
- C.** An employee may not campaign for a political candidate or for a political issue during school hours on school property.
- D.** Staff members who hold elective office are not entitled to release time from their school 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.
- E.** 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 school district will be conducted under the direction of the superintendent and/or board. 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 district 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

District funds will not be expended for dinners, entertainment or campaign contributions.

Maintaining Professional Staff/Student Boundaries

This policy provides all staff, students, volunteers, and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers. For purposes of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers.

General Standards

The board expects all district staff to maintain the highest professional standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district employees have for students.

The interactions and relationships between district staff and students should be based upon mutual respect, trust, and commitment to the professional boundaries between staff and students in and outside of the educational setting, and consistent with the educational mission of the District.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the District. Inappropriate boundary invasions can take various forms. Any type of sexual conduct with a student is an inappropriate boundary invasion.

Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member’s conduct is inappropriate or constitutes a violation of this policy.

The board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgment when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall pro-actively discuss these circumstances with their building administrator or supervisor.

Use of Technology

The board supports the use of technology to communicate for educational purposes. However, when the communication is unrelated to school work or other legitimate school business; district staff are prohibited from communicating with students by phone, e-mail, text, instant messenger, or other forms of electronic or written communication. District staff members are prohibited from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. This prohibition includes prohibiting staff from “friending” and/or “following” students on social media.

Staff whose conduct violates this policy may face discipline and/or termination, consistent with the District’s policies and procedures, acceptable use agreement and collective bargaining agreements, as applicable.

The superintendent/designee will develop protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

Cross References:	Board Policy 3205	Sexual Harassment of Students Prohibited
	Board Policy 3207	Prohibition of Harassment, Intimidation, and Bullying
	Board Policy 3210	Nondiscrimination
	Board Policy 3421	Child Abuse, Neglect, and Exploitation Prevention
Legal References:		Title IX of the Education Amendments of 1972
	Chapter 9A.44, RCW	Sex offenses
	Chapter 9A.88, RCW	Indecent exposure – Prostitution
	RCW 28A.400.320	Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district
	RCW 28A.405.470	Crimes against children - Mandatory termination of certificated employees — Appeal — Recovery of salary or compensation by district
	RCW 28A.405.475	Termination of certificated employee based on guilty plea or conviction of certain felonies — Notice to superintendent of public instruction - Record of notices
	RCW 28A.410.090	Revocation or suspension of certificate or permit to teach — Reprimand – Criminal basis — Complaints — Investigation - Process
	RCW 28A.410.095	Violation or noncompliance — Investigatory powers of superintendent of public instruction — Requirements for investigation of alleged sexual misconduct towards a child — Court orders — Contempt — Written findings required
	RCW 28A.410.100	Revocation of authority to teach — Hearings
	Chapter 28A.640, RCW	Sexual Equality
	Chapter 28A.642, RCW	Discrimination Prohibition

	Chapter 49.60, RCW	Washington State Law Against Discrimination
	Chapter 181-87 WAC	Professional Certification — Acts of Unprofessional Conduct
	181-88 WAC	Definitions of Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure — Prohibited Agreements
Management Resources Policy & Legal News:	March 2019	
	October 2015	

Maintaining Professional Staff/Student Boundaries

Additional Guidelines

A. Prevent One-on-One Access to Students

1. Classroom doors should have windows; windows should not be covered except in lockdown situations
2. When an educator meets in the classroom alone with a student, the door should be open
3. Discourage educators from one-on-one contact with students in private settings
4. Require educators and students to meet in places observable by others, such as offices with windows or outdoors, if privacy is needed
5. When a counselor or administrator meets alone with a student, the door should have windows that are not covered
6. Assign at least two educators to monitor bathrooms and locker rooms of their gender, when possible
7. When dealing with a toileting incident, two adults should assist the student if possible
8. Assign at least two educators to be present to assist students with activities such as putting on bathing suits and taking showers
9. Encourage educators to include another adult in electronic communications with students
10. Prohibit educators from:
 - Taking a student without another adult to private areas, such as storage closets, athletic training rooms, hotel rooms, or personal vehicles
 - Sleeping in the same room overnight with students, unless the student's parent or guardian is present
 - Taking a student into the educator's home, unless the student's parent or guardian is present
11. Require educators to:
 - Inform a program supervisor before moving students out of the program area or to a different location on or off campus
 - Use separate bathrooms, locker rooms, and showers from student or, if separate facilities are not available, schedule separate usage times
 - Release students only to an authorized parent, legal guardian, or other adult specifically authorized by the custodial parent or guardian and only after confirming their identification

B. Enforce Professional Boundaries with Supervision

1. Require that supervisors:
 - Receive training on professional boundaries
 - Make periodic unannounced visits in class and during activities to observe whether educators are following professional boundaries
 - Document specific observations about how educators interact with students
 - Correct and provide prompt feedback to educators regarding their adherence to professional boundaries

- Stop any interaction with a student that appears suspicious
 - Discontinue any adult's participation in activities or programs involving students if someone suspects or alleges an inappropriate boundary invasion
2. Train all staff members, volunteers, and students, on how to report suspected professional boundary violations
 3. Require that educators report suspected violations of professional boundaries
 4. Encourage parents or legal guardians to report any suspected professional boundary violations

C. Coaching Sports

1. In coaching any sport, be mindful of touching involved from coaches, and seek ways to mitigate.
2. Coaches should inform players that coaching generally involves physical touch for the purpose of teaching the sport, but anyone uncomfortable can ask not to be touched and the coach will strive to respect the student's wishes. Students should have the opportunity to tell the coach privately that they do not want coaching to include touch, and coaches should not publicly reveal such communication, but should share it with any assistant coaches.
3. If possible, assign two coaches or a second adult at practices.
4. Wrestling coaches should not demonstrate holds on student wrestlers unless there has been a meeting that school year with parents and the student and parent agree to a specific coach demonstrating with the student. Coaches should permit parents to attend wrestling practices.

D. Reporting

When an administrator receives a report that an employee, volunteer, or contractor has perpetrated sexual misconduct against a student or a suspicion of such, the administrator will follow the district's reporting protocol. Based on the circumstances, the administrator might need to inform:

- The Title IX coordinator
- The district's legal counsel
- The district's head of compliance
- Campus police or the district's student protection officer

The administrator should consider whether state or local laws require informing the local police and /or state or local child protection authorities.

The administrator should take immediate steps to prevent further harm to the alleged victim or other students, such as removing the alleged abuser from the program or activity or limiting that individual's contact with students pending resolution of the matter.

Maintaining Professional Staff/Student Boundaries

Boundary Invasion

In a professional staff/student relationship, staff maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students.

A boundary invasion is an act or omission by a staff member that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship.

An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a staff member that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

Inappropriate Boundary Invasion Examples

Examples of possible inappropriate boundary invasions by staff members include but are not limited to the following:

- A. Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the district's policy on Sexual Harassment of Students (Policy 3205) Prohibition of Harassment, Intimidation and Bullying (Policy 3207); Nondiscrimination (Policy 3210); Title IX of the Education Amendments of 1972 (Title IX); the Washington State Law Against Discrimination (Chapter 49.60 RCW); or that constitutes misconduct under RCW 28A.640 and .642 or WAC 181-88-060; or any conduct that would constitute a violation of Chapter 9A.44 or 9A.88 RCW.
- B. Showing pornography to a student;
- C. Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship;
- D. Socializing where students are consuming alcohol, drugs or tobacco;
- E. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- F. Sending students on personal errands unrelated to any educational purpose;
- G. Banter, allusions, jokes or innuendos of a sexual nature with students;
- H. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
- I. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner;
- J. Maintaining personal contact with a student outside of school by phone, e-mail, instant messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business) without including the building administrator/supervisor and parent/guardian;
- K. Exchanging personal gifts, cards or letters with an individual student;
- L. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
- M. Giving a student a ride alone in a vehicle in a non-emergency situation; and/or
- N. Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom).
- O. Soliciting phone, email, text messages or other forms of written or electronic communication to students without building administrator/supervisor and parent permission when the communication is unrelated to school work or other legitimate school business; or
- P. Any other conduct that fails to maintain professional staff/student boundaries.

Appearances of Impropriety

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable

these activities should be pre-approved by the appropriate administrator. If not pre-approved, the staff member must report the occurrence to the appropriate administrator as soon as possible.

- A. Being alone with an individual student out of the view of others;
- B. Inviting or allowing individual students to visit the staff member's home;
- C. Visiting a student's home; and/or
- D. Sending or soliciting email, text messages or other electronic communications to the student, even when the communication relates to school business, except where the parent or guardian and building administrator/supervisor has consented to such communications and receives a copy of the communication. Staff should use school email addresses and phone numbers and the parent/guardian phone numbers for communications with students, except in emergency situations.

In addition, under no circumstances is a staff member, coach, district-approved volunteer or any other adult (other than an adult student) to share accommodations while traveling with a student or students, regardless of student(s) age. The only exception to this is if the student is the child of the staff member, coach, district-approved volunteer or adult. Students may share accommodations with one another as long as previous arrangements are made and agreed upon by the parents/guardians of all students. Students are only allowed to share accommodations with those of the same gender.

Reporting Violations

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe staff member may be engaging in conduct that violates this policy or procedure.

Staff members are required to promptly notify the principal or the supervisor of the employee or volunteer suspected of engaging in inappropriate conduct that violates this policy or procedure.

The administrator to whom a boundary invasion concern is reported must document, in writing, the concern and provide a copy of the documentation to the assistant superintendent or director in charge of the district's human resources. The assistant superintendent or director of human resources will maintain a file documenting reports of this nature.

Reporting Sexual Abuse

All professional school personnel who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement pursuant to board policy and procedure 3421, *Child Abuse, Neglect and Exploitation Prevention*, and RCW Chapter 26.44, RCW Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal. The violation may also be reported to the state Office of Professional Practices.

Training

All new employees and volunteers will receive training on appropriate staff/student boundaries within three months of employment. Continuing staff will receive training every three years.

Dissemination of Policy and Reporting Protocols

This policy and procedure will be included on the district website and in all employee, student and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol.

Staff Expression

The Hockinson School Board believes the district has an interest in maintaining an orderly and effective work environment while balancing employees' First Amendment rights to freedom of expression and diverse viewpoints and beliefs. When employees speak within their official capacity, their expression represents the district and may be regulated. The First Amendment protects a public employee's speech when the employee is speaking as an individual citizen on a matter of public concern. Even so, employee expression that has an adverse impact on district operations and/or negatively impacts an employee's ability to perform their job for the district may still result in disciplinary action up to and including termination.

Staff expression includes the performance of job responsibilities and how they represent the district in their use of district email accounts, school district buildings, district property, classrooms and how they present themselves to students.

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens from their role within the district. Employee expression on social media platforms that interferes with the district's operations or prevents the district from functioning efficiently and effectively may be subject to discipline up to and including termination.

The procedures that accompany this Policy will adhere to this policy and specify particular standards for staff expression, including the conditions under which a staff member can participate in written or non-verbal expression. Any violation of the Policy or adopted Procedure may result in disciplinary action.

Corss References:	Policy 2340	Religious Related Practices and Activities
	Policy 5252	Staff Participation in Political Activities
Legal References:	RCW 41.06.250	Political Activities
	RCW 42.17A.555	Use of public office or agency facilities in campaigns – Prohibition - Exceptions
	RCW 42.27A.635	Legislative activities of state agencies, other units of government, elective officials, employees
Management Resources:	2023	April Policy Issue

Personnel Records

The district will organize, compile and maintain personnel records and files for each staff member of the district which will be kept secure under the authority of the superintendent/designee. The contents of the personnel files will be available to the superintendent/designee and to those staff authorized by the superintendent/designee to organize, compile and maintain the files. Any confidential college or university credentials, or other confidential pre-employment materials received by the district, will be returned to the sender or maintained in personnel records, such as an application file.

A certificated or classified staff member will be permitted, during normal district business hours, to review the contents of his/her personnel file in the presence of an authorized staff member.

Annually, A staff member may request that the superintendent/designee review all information in the staff member's personnel file(s) to determine if there is any irrelevant or erroneous information in the file(s), and will remove all such information from the file(s). If a staff member does not agree with the determination, the staff member may at his or her request have placed in the personnel file a statement containing a rebuttal or correction.

Cross Reference:	Board Policy 4040	Public Access to District Records
Legal References:	RCW 28A.405.250	Certificated employees, applicants for certificated position, not to be discriminated against – Right to inspect personnel file
	RCW 42.56.230(3)	Certain personal and other records exempt (from public inspection)
	RCW 49.12.240-260	Employee inspection of personnel file

Personnel Records

Location

The district will maintain a personnel file for each of its staff members.

Staff Member's Access to His/Her Personnel File

Any staff member has the right to examine and copy materials from and/or have copies made of his/her personnel file during regular business hours.

The superintendent has authorized access to personnel records to: The Director of Personnel/Payroll, and the Public Records Officer.

The superintendent or his/her designee must be present when a staff member is given access to his/her personnel file in order to offer the staff member assistance and interpretation of material contained in the file.

The district will establish a copy fee.

Access by Others to a Personnel File

Any person authorized by a valid court order will have access to personnel files.

Principals and/or immediate supervisors may examine the files of staff employed in their building.

Any individual who has the written permission of a staff member may request to examine the staff member's records.

Contents of Personnel File

A personnel file may contain, but is not limited to, professional certificates, transcripts from colleges or universities, a record of previous employment, evaluations, professional assessment instruments, letters of recommendation and copies of district contracts. All material in the personnel file must be related to the staff member's work, position, salary or employment status in the district. A staff member may petition that the personnel office review all information in the personnel file. The personnel office will determine if there is any irrelevant information and will remove all such from the file. If the staff member does not concur with that material that remains, the staff member may file a statement of rebuttal or correction to be placed into the file.

Adding Material

The superintendent is responsible for placing material in the proper personnel file within 10 days of receipt or origination of said material. All materials placed in a personnel file will be signed and dated. When material is critical of a staff member, the person responsible for placing this material in the staff member's file must forward a copy of the material to the staff member. Any material critical of a staff member which is not shown to him/her within 10 days after placement in his/her file will not be allowed as evidence in any grievance or disciplinary action against such staff member.

Staff Member's Right to Object to Material Added

Appeal

A staff member may appeal to the superintendent for the removal of any material placed in his/her personnel file. This must be done by requesting a conference with the party involved for the purpose of examining the questioned material. If the staff member is not satisfied with the decision, he/she may file a grievance according to district policy.

Rebuttal

A staff member has the right to submit a written statement of rebuttal relating to any material in his/her personnel file and have the written rebuttal placed within the file. A former staff member will retain the right of rebuttal or correction for a period not to exceed two (2) years.

Date: 07.13; 07.19

Resolution Of Staff Complaints

The board recognizes the importance of establishing reasonable and effective means for resolving difficulties which may arise among staff, to reduce potential areas of grievances and to establish and maintain recognized two-way channels of communication between supervisory personnel and staff.

Staff may use the administrative procedures to allege a violation of existing district policies or procedures that has directly aggrieved them. The procedures are established to provide a proper and equitable solution to a complaint at the lowest possible supervisory level and to facilitate an orderly procedure within which solutions may be pursued.

A complaint shall mean a written claim by a staff member that alleges a violation, of existing district policies or procedures that has directly aggrieved them.

Management Resources Policy & Legal News:	October 2015	
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Resolution of Staff Complaints

The following procedure has been established for resolving a written complaint filed by a member of the staff:

Step One

The staff member will present the complaint in writing to his/her immediate supervisor within 15 calendar days of the action or incident that gave rise to the complaint. The written statement of the complaint will contain:

- A. The facts upon which the complaint is based as the staff member who is filing the complaint sees them;
- B. A reference to the policies/procedures of the district which have allegedly been violated; and
- C. The remedies sought.

Failure to submit a written complaint within the timeline specified will result in waiver of the complaint.

If a written complaint is filed in compliance with the timeline specified above, the staff member will discuss this complaint with his/her immediate supervisor. If the complaint is against an administrator or another staff member, such individual maybe present at the meeting to present the facts as he/she sees them. A sincere effort will be made to resolve the complaint at this level. If the aggrieved person does not appeal the complaint to the superintendent/designee in writing within ten (10) calendar days of the aggrieved person's meeting with his/her immediate supervisor, the complaint will be waived.

Step Two

The superintendent/designee will, within ten (10) calendar days of the receipt of the complainant's written appeal, meet with that staff member to hear his/her claim. If the complaint is against an administrator or another staff member, such individual maybe present at the hearing to present the facts as he/she sees them.

The superintendent/designee will render a decision regarding the appeal within ten (10) calendar days of the aggrieved person's meeting with the superintendent/designee. If the complainant does not appeal the superintendent/designee's decision in writing to the board through the superintendent/designee within ten (10) calendar days, the complaint will be waived.

Step Three

If the complainant properly appeals his/her complaint to the board as provided, the board will hold a hearing to hear the appeal of the superintendent/designee's decision. At the appeal before the board, the complainant may be accompanied by counsel if the complainant wishes. If administrators or other staff are involved, they maybe present at the hearing to present the facts as they see them. The board will, within fifteen (15) calendar days of the complaint hearing, present its decision with respect to the complaint. The board's decision will be considered final.

Reporting Improper Governmental Action (Whistleblower Protection)

The district encourages the reporting, consistent with the district's procedures, of improper governmental actions by any district officers or 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.

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/designee will establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation.

Legal References:	Chapter 42.41 RCW	Local Government Whistleblower Protection
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Cross References:	3241 – Child Abuse and Neglect
Management Resources:	2023 – December Issue
	2015 – October Policy Issue

Reporting Improper Governmental Action

Definitions

As used in this policy and procedure, the following terms will have the meanings indicated.

- A. "Improper governmental action" means any action by a district officer or employee:
 1. That is undertaken in the performance of the officer or 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.
 3. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the collective bargaining and civil service laws, alleged labor agreement violations, or reprimands.
 - B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member's employment.
- "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property. Employees are encouraged to report instances which they believe constitute governmental misconduct.

Reporting

Employees, who become aware of actions that they believe constitute improper governmental action, should raise the issue first with their supervisor. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the superintendent or the person whom the superintendent has designated to receive reports of improper governmental action. If requested by the supervisor, the employee will submit a written report to the supervisor or superintendent/designee stating in detail the basis for the employee's belief that an improper governmental action has occurred.

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 will report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct will not be eligible for the protection outlined.

Response

The employee's supervisor, the superintendent or the superintendent's designee will take prompt action to see that the report of improper governmental action is properly investigated.

District officers and employees involved in the investigation will 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 will receive a summary of the investigation results, 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 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.

Retaliation

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the superintendent or the superintendent's designee. Appropriate action to investigate and address complaints of retaliation will be taken.

If the complaint cannot be informally resolved, the employee will provide written notice to the superintendent/designee that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty days of the alleged retaliation. The district will respond to the complaint within thirty days of receiving the written notice.

If the employee alleging retaliation receives no response from the district or objects to the 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 days following the district's response, or 45 days after the complaint was filed, if there was no response.

The district will apply for a hearing within five working days to:

Office of Administrative Hearings
P. O. Box 42488
919 Lakeridge Way SW
Olympia, Washington 98504-2488
(360) 407-2700

The 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.

Administration

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

Local City Police Dept. or County Sheriff's Office

Local City or County Environmental Protection Office

WA. Attorney General's Office
Consumer Protection Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
1-800-551-4636

Washington Auditor's Office
Insurance Building
Capitol Campus
P.O. Box 40021
Olympia, Washington 98504-0021
(360) 902-0370

Washington Department of Ecology
300 Desmond Drive or P.O. Box 47600
Lacey, Washington 98504-7600
(360) 407-6000

WA. Human Rights Commission
711 South Capitol Way, Suite 402
Olympia, Washington 98504-2490
(800) 233-3247

WA. Dept. of Labor & Industries
P.O. Box 44000
Olympia, Washington 98504-4400
(800) 547-8367

WA. Department of Natural Resources
1111 Washington St. SE or P.O. Box 47000
Olympia, Washington 98504-7000
(360) 902-1000

Local County Prosecutor's Office

Local or County Health Department

U. S. Department of Education
Office of the Inspector General
915 - 2nd Ave., Seattle, WA 98174
Audits: (800) MIS-USED

Environmental Protection Agency
Criminal Investigations
300 Desmond Dr. Ste. 102
Lacey, WA 98503
(360) 753-9437

Equal Employment Opportunity Comm.
(EEOC) 909 First Ave., #400
Seattle, WA 98104-1061
(800) 669-4000

Federal Emergency Mgmt. Agency (FEMA)
130 - 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4600

U S Department of Labor
Occupational Safety and Health
1111 3rd Ave # 715
Seattle, WA 98101-3216
(206) 553-5930

National Transportation Safety Board
Washington, DC
429 L'Enfant Plaza SW
Washington D.C., DC 20024
(202) 314-6000

U S Department of Transportation
Office of Inspector General
Complaint Intake Unit, Mail Stop 7886
1401 Constitution Avenue, N.W.
Washington, DC 20230
(800) 424-5197

WA Superintendent of Public Instruction
Old Capitol Building
P O Box 47200
Olympia, Washington 98504-7200
(360) 725-6000

Separation from Employment

Certificated Staff

Under Washington law the superintendent has the authority to issue an appropriate notice of probable cause for discharge or nonrenewal to any certificated staff member. A notice of probable cause for discharge will include notice of any appeal rights the employee may have and notice of the appeal processes.

Classified Staff

The board will consider the superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge. A notice of discharge will include notice of any appeal rights the employee may have and notice of the appeal processes.

Certificated Staff Member Release from Contract

Upon request, a certificated staff member may be released from contract under the following conditions:

1. A letter requesting release will be submitted to the superintendent's office. If accepted by the board, the staff member may be released from contract.
2. A release from contract may be granted by the board to allow a staff member to accept another position prior to or during the school year provided a satisfactory replacement can be obtained.
3. A release from contract may be granted by the board in case of illness or other personal matters which make it a substantial hardship for the staff member to continue his/her employment in the district.
4. Each request will be reviewed and a decision rendered based on the totality of the circumstances. . The needs of the district and continuity of the educational program offered to students will receive primary consideration in the board's decision.

Resignation

In order to permit proper staff planning and to minimize inconvenience to others who may be affected, certificated staff who plan to resign at the end of their contract period are requested to notify the superintendent of their resignation or retirement by March 15.

Those staff who are not contractually obligated to complete the current school year should notify the superintendent as early as possible of their intent to resign and no less than 30 days prior to their last working day.

Retirement

Staff will participate in the retirement programs under the Federal Social Security Act and the Washington State Teachers' Retirement System or the Public Employees' Retirement System. Payroll deductions will be made and paid into the respective retirement programs in the manner prescribed by law.

Staff who become eligible to retire under the controlling retirement system and who intend to retire at the end of the current school year should notify the superintendent prior to April 1st of that year.

Those staff intending to retire who are not contractually obligated to complete the current school year should notify the superintendent as early as possible and no less than 30 days prior to their retirement date.

Program and Staff Reductions

The board determines the educational and operational programs for the district. Program and

staff reductions may be required as a result of many factors, including but not limited to enrollment decline, programmatic needs or interests, a change in staffing needs, failure of a special levy election or other events resulting in a reduction in revenue, increase in costs, and/or termination or reduction of funding of categorically-funded projects. The board will review appropriate information and based on administrative recommendations, identify those educational programs and services that will be reduced, modified or eliminated.

Cross References:	Board Policy 5006	Certification Revocation
	Board Policy 5240	Evaluation of Classified, Certificated and Administrative Staff
	Board Policy 5281	Disciplinary Action and Discharge
Legal References:	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
	28A.400.320	Crimes against children – Mandatory – termination of classified employees – Appeal – Recovery of Salary or compensation by district
	28A.400.340	Notice of discharge to contain notice of right to appeal if available
	28A.405.100	Minimum criteria for the evaluation of certificated employees – Four-level rating evaluation system -Procedures – Steering committees – implementation – Reports – Comprehensive performance evaluation
	28A.405.140	Assistant for teacher may be required after evaluation
	28A.405.210	Conditions and contracts of employment – Determination of probable cause – for non-renewal of contracts – Nonrenewal due to enrollment decline or revenue loss – Notice – Opportunity for hearing
	28A.405.220	Conditions and contracts of employment – Non-renewal of provisional employees – Notice – Procedure
	28A.405.300	Adverse change in contract status of certificated employee – Determination of probable cause – Notice – Opportunity for hearing
	28A.405.310	Adverse change in contract status of certificated employee – including non-renewal of contract – Hearings - Procedure

	28A.405.470	Crimes against children – Mandatory termination of certificated employees – Appeal – Recovery of salary or compensation by district
	28A.410.090	Revocation or suspension of certificate or permit to teach – Reprimand – Criminal basis – Complaints – Investigation - Process
	41.32.240	Membership in system
	41.33.020(6)	Terms and provisions of plan - Membership
	Chapter 41.41 RCW	State Employees' Retirement – Federal Social Security
	Chapter 181-86 WAC	Professional certification – Policies and procedures for administration of certification proceedings
	181-87 WAC	Acts of Unprofessional Conduct
	Chapter 392-191 WAC	School Personnel – Evaluation of the Professional Performance Capabilities
Management Resources:	Policy & Legal News	November 2023
	Policy & Legal News	December 2015
	Policy & Legal News	February 2014 – Revision to Procedure
	Policy & Legal News	February 2013- Policy revisions

Termination of Employment

Probation and Non-renewal or Termination

Non-provisional Certificated Staff

Non-provisional certificated staff whose performance does not meet minimum requirements based upon the specific categories for evaluation, as defined in Policy 5240, Evaluation of Staff, will receive written notice any time after October 15th. The administration will exercise the following steps:

Evaluator's Report

When an evaluator determines, based on evaluations that the performance of a staff member does not meet minimum requirements, the evaluator will make a report in writing to the superintendent. The report will include the following:

- The evaluation report; and
- A specific and reasonable plan for improvement.

Establishment of Probationary Period

If the superintendent concurs with the evaluator that the staff member's performance does not meet minimum requirements, the superintendent will place the staff member in a probationary status any time after October 15th, and for a period of sixty (60) school days. The staff member will receive written notice of the action which will contain the following information:

- The specific area(s) of deficiency;
- A specific and reasonable plan for improvement which gives the staff member the opportunity to demonstrate improvement in any area(s) of deficiency;
- The duration of the probationary period; and
- The right of the staff member to have representation and/or counsel in any subsequent meeting between the staff member and the evaluator;

Evaluation during the Probationary Period

- During the period of probation, the probationer may not be transferred from the supervision of the original evaluator. The original evaluator must document any improvement of performance or probable cause for non-renewal before any consideration of a request for transfer or reassignment contemplated by either the probationer or the district can occur. During the probationary period the evaluator will meet at least twice monthly with the probationer to determine progress made and make a written evaluation.
- The evaluator may authorize one additional certificated staff member to evaluate the probationer and aid them in improving their area of deficiency. Should the evaluator not authorize an additional evaluator, the probationer may request that one additional certificated employee evaluator participate in the probation process. The request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located. Such additional certificated staff members will be immune from civil liability incurred or imposed during an otherwise good faith performance of an evaluation.
- The probationer will be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in the specific area(s) detailed in the notice of deficiency and in the program for improvement.

Evaluator's Post-Probationary Report

At the end of the probationary period the evaluator will submit a written report to the superintendent. The report will identify any improvement in the area of deficiency and

will specify that the certificated staff member has or has not demonstrated sufficient improvement in the stated area of deficiency to justify removal from probationary status.

Action by the Superintendent

- Immediately after the superintendent determines that the completed probationary period did not produce the performance changes detailed in the initial notice of deficiencies and improvement program, the certificated staff member may be removed from his or her assignment and placed in alternative assignment for the remainder of the school year. The reassignment may not displace another employee or adversely affect the probationary employee's compensation or benefits during the balance of the contract year. If such a reassignment is not possible, the superintendent may place the employee on paid leave for the balance of the contract term.
- Prior to May 15th, when the superintendent has determined that the employee has not demonstrated sufficient improvement in the stated area of deficiency, the superintendent will make a determination of probable cause for non-renewal of the staff member's contract and will provide written notice to the staff member by May 15 or June 15 if the omnibus appropriations act has not passed the legislature by May 15. Such notice will contain notice of any appeal rights the staff member may have and notice of the appeal processes.
- Any non-provisional certificated staff member so notified will be granted an opportunity for a hearing to determine whether or not there is sufficient cause(s) for non-renewal. The hearing may be "open" or "closed" depending on the wish of the staff member. Selection of the hearing officer and conduct of the hearing will be in accordance with RCW 28A.405.310. Should the hearing officer's decision uphold the district's non-renewal action, the certificated staff member may appeal to the superior court (RCW 28A.405.320).
- Any certificated staff member who does not request a hearing will be adversely affected as specified in the written notice.

Provisional Employees

- Provisional employees whose performance does not meet minimum requirements as defined in Policy 5240, Evaluation of Staff, will receive written notice from the superintendent by May 15, or June 15 if the omnibus appropriations act has not passed the legislature by May 15, that the district does not intend to renew the employment contract. Such notice will cite the reason for such determination and will contain notice of any appeal rights that the employee may have and notice of the appeal processes.
- Within 10 days of receiving such notice the provisional employee may request (in writing) the opportunity to hold an informal meeting with the superintendent. The superintendent will submit his/her recommendation for non-renewal to the board (RCW 28A.405.220). The provisional employee will be notified in writing of the superintendent's decision at least three days prior to a meeting of the board. The board will consider any written communication prior to rendering a decision.
- The board will notify the provisional employee of its decision within 10 days following the meeting. Such decision will be considered final.
- Any provisional employee who does not request an informal meeting shall be adversely affected as specified in the written notice.

Classified Staff

Classified staff whose performance does not satisfy the needs of the district will receive written notification from the administrator. Such written notice will contain the following information:

- Subject to the action of the board of directors, the final date of employment with the district;
- The right to request a pre-termination meeting within five (5) working days following notice; and
- Notice of any appeal rights that the employee may have and notice of the appeal processes.

At the pre-termination meeting, the staff member will be entitled to be advised as to the reason(s) why the month-to-month employment agreement is being terminated and an opportunity to respond to any of the reasons presented. Upon the request of the staff member who is being recommended for termination, the board will meet with the staff member to determine if termination action will be taken.

Reduction in Force Administrative Procedures

This reduction in force policy is prepared with special consideration to the size of the school district and the fact that both staff and program offerings are substantially more limited than is the case in larger school districts within the state of Washington.

The following administrative procedures shall be used to implement the policy set forth above:

Guidelines for reduction in programs and services:

- In its efforts to provide an educational program within the district's financial resources, the board will, as much as practicable, make reductions in expenditures such as: travel, supplies, and materials and equipment before reducing staff;
- If the educational program and services of the school district must be reduced due to a reduction in state basic education funds and or drop in enrollment, legislative or Superintendent of Public Instruction actions, or other legitimate reasons, the following guidelines will be taken into consideration in determining the program and services to be retained, reduced or eliminated:
 - The program to be retained will attempt to minimize the consequences of program reductions upon the student;
 - Health and safety standards will be maintained;
 - Priority will be given to those books and supplies used by students in fulfilling basic classroom objectives; and
 - When revenues are categorical and depend upon actual expenditures rather than budgeted amounts, every effort will be made to maintain these programs to the limit of the categorical support.

Certificated staff reduction:

In the event that it is necessary to reduce the number of certificated employees due to a reduction in funding or a drop in enrollment, those certificated employees who will be retained to implement the district's reduced or modified program and those certificated employees who will be terminated from employment will be identified by using the following procedures:

- **Determination of vacant position:** By May 15 of each year, or June 15 if the omnibus appropriations act has not passed the legislature by May 15, the district will determine, as accurately as possible, the total number of certificated staff to be retained. The following reasons for leaving the district will be taken into consideration: retirement, family transfer, normal resignations, discharge or non-renewal;
- **Certification:** Possession of a valid Washington state teaching certificate which may be required for the position(s) under consideration will be a prerequisite for retention;
- **Retention by employee:** Certificated staff member will, in accordance with the criteria set forth below, be considered for retention in any grade level in which actual

teaching experience has been gained. For the purposes of this paragraph, actual teaching experience, will mean teaching that grade level full time for at least one (1) full year. Experience in combination grade teaching will also be considered; and

- **Selection for retention:** Certificated employees will be considered for retention in available positions within their grade level for which they qualify.
 - **Provisional employee:** Those employees who are provisional, as that term is used in RCW 28A.405.220 will be released first;
 - **Academic progress:** Consideration will be given for post graduate credits earned beyond the BA; and
 - **Years of experience:** Years of actual full time classroom teaching experience recognized by the state will be given consideration.
- **Evaluation results:** Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers, certificated principals and assistant principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include but are not limited to: employee assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal and superintendent and reduction in force. The district will not be limited in its ability to collectively bargain how the multiple factors will be used in making human resource and personnel decisions, but the evaluation results must be a factor.

Affirmative action:

Affirmative action principles will be considered in implementing the reduction in staff.

If the Omnibus Appropriations Act has not passed the legislature by the end of the regular session for that year then notification shall be no later than June 15.

Employment pool:

Those certificated employees released under the reduction in force program will be placed in an employment pool for a period of one (1) year. In the event a vacancy occurs, those certificated employees in the employment pool, will be rehired in the order in which they entered the pool if qualified, in accordance with the provisions of the above policy. Any employee released under the reduction in force program will, in writing, keep the superintendent advised of their current address and availability for reemployment. Notice of vacancies will be mailed to their last known address. Employees in the employment pool may participate in group insurance plans for a period of one (1) year, if the carrier so agrees. The district will not contribute premiums for such employees.

Disciplinary Action and Discharge

Grounds for Disciplinary Action or Discharge

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that affect their effectiveness on the job may be subject to disciplinary action or discharge. Behavior, conduct, or action that provides sufficient cause may warrant disciplinary action or discharge. Such behavior, conduct, or action may include, but is not limited to:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
 - 1. The physical neglect of a child;
 - 2. The physical injury or death of a child;
 - 3. Sexual exploitation of a child;
 - 4. Sexual offenses;
 - 5. Promotion of a minor for prostitution purposes; or
 - 6. The sale or purchase of a minor child;
[employees are required to report in writing to the superintendent any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five days of conviction or guilty plea];
- G. Malfeasance;
- H. Misconduct;
- I. Inability to perform job functions;
- J. Willful violation of district policies and procedures, laws, or regulations;
- K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;
- L. Conflict of interest;
- M. Abuse of leave;
- N. Unlawful harassment, verbal abuse, physical abuse or sexual misconduct toward staff, students, or members of the public;
- O. Manufacture, possession, distribution, sale or being under the influence of alcohol controlled, illegal, addictive or harmful substances including anabolic steroids;
- P. Conduct (whether on the job or off the job) that has a substantial negative impact on performance;
- Q. Mental or physical inability to perform the essential job duties;
- R. Intemperance;
- S. Intentional discrimination or harassment;

- T. Vulgar speech or actions;
- U. Use of habit forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington;
- V. Use of alcoholic beverages on district premises or at a district sponsored activity off the district premises; or
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes;
- X. Falsification or omission of material information from district records or any report or statement required of or submitted by the employee. This includes, but is not limited to, providing false information to the District (i.e., timesheets, application materials, during formal investigations);
- Y. Engage in the obstruction of justice, which includes witness intimidation, retaliation, destruction of evidence, or engaging in conduct to compromise an investigation or inquiry of misconduct; or
- Z. Engage in any other conduct that lacks educational value/legitimate professional purpose and harms students.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the Child Protective Services central registry for evidence regarding whether the staff member is an adjudicated or admitted perpetrator of child abuse or neglect. Appropriate reports will also be made to law enforcement, the Office of the Superintendent of Public Instruction, and the student's parents or guardians, as required by law.

Abuse and Sexual Misconduct

The District will not enter into any contract to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee and will comply with all legal requirements regarding such misconduct

Suspension of Staff

The superintendent/designee is authorized to suspend a staff member as deemed appropriate. immediately.

Cross References:	Board Policy 5006	Certification Revocation
	Board Policy 5240	Evaluation of Staff
	Board Policy 5280	Separation from Employment
Legal References:		20 U.S.C. §7926
	RCW 28A.400.300	Hiring and discharge of employees — Written leave policies — Seniority and leave benefits of employees transferring between school districts and other educational employers

	RCW 28A.400.320	Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district
	RCW 28A.400.340	Notice of discharge to contain notice of right to appeal if available
	RCW 28A.405.300	Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearings
	RCW 28A.405.310	Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure
	RCW 28A.405.470	Crimes against children — Mandatory termination of certificated employees — Appeal — Recovery of salary or compensation by district
	RCW 28A.410.090	Revocation or suspension of certificate or permit to teach — Reprimand – Criminal basis — Complaints — Investigation — Process
	RCW 49.44.200	Personal social networking accounts – Restrictions on employer access – Definitions
	Chapter 181-86 WAC	Professional certification – Policies and procedures for administration of certification proceedings
	Chapter 181-87 WAC	Acts of Unprofessional Conduct
Management Resources Policy & Legal News:	March 2019	
	December 2015	
	December 2014	
	October 2004	

Disciplinary Action and Discharge

When the superintendent determines that there are sufficient grounds to suspend and/or discharge a certificated staff member, the staff member will receive written notification which specifies the probable cause for such action. The notice will contain notice of the staff member's appeal rights, if any, and notice of the appeal processes. The staff member may submit within 10 days of such notification a written request (RCW 28A.405.310) for a hearing to determine whether or not there is sufficient cause for discharge. During the hearing, the procedures described in Board Policy 5280 (Termination of Employment) will be followed.

Staff who do not request a hearing will be adversely affected as specified in the written notice.

Classified staff not employed under formal contract may be suspended for a specified or indefinite number of days with or without pay. A regular status classified staff member will be advised of the right to request a pretermination meeting within five (5) working days following notice. At the hearing, the superintendent will provide notice of charges against the classified staff member, an explanation of the evidence that has been collected and the opportunity for the staff member to clarify or refute the charges. Following this conference, the superintendent will advise the staff member of the right to a hearing with the board prior to any formal action that may be taken by the board.

A classified staff member, who has contact with children, or a certificated staff member whose certificate is subject to revocation be terminated immediately for a guilty plea or conviction of any felony crime against children as stated in (F) below. Such employee will have the right of appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed the felony crime, and the time termination becomes final.

Reasons For Disciplinary Action

Disciplinary action may be taken for the following reasons:

- A.** Incompetence;
- B.** Inefficiency;
- C.** Misappropriation or misuse of district property;
- D.** Neglect of duty;
- E.** Insubordination;
- F.** Conviction of any crime which adversely affects employee's ability to perform a job including the submission of a guilty plea or conviction of any felony crime involving:
 - 1. The physical neglect of a child;
 - 2. The physical injury or death of a child;
 - 3. Sexual exploitation of a child;
 - 4. Sexual offenses;
 - 5. Promotion of a minor for prostitution purposes; or
 - 6. The sale or purchase of a minor child;
- G.** Malfeasance;
- H.** Gross misconduct;
- I.** Inability to perform job functions;
- J.** Willful violation of district policies and procedures;
- K.** Mistreatment or abuse of fellow workers, students, or members of the public;
- L.** Conflict of interest;
- M.** Abuse of illness, injury, or emergency leave;
- N.** Sexual harassment, verbal abuse, physical abuse or sexual misconduct; or

- O. Manufacture, possession, distribution, sale or being under the influence of alcohol or controlled, illegal, addictive or harmful substances including anabolic steroids.

Types of Disciplinary Action

Depending upon the nature of the work performance problem or conduct, any one or more of the following actions may be taken by the appropriate supervisor:

A. Oral Reprimand

An oral reprimand may be given to a staff member whenever such action is deemed appropriate. A record of this action should be kept in the staff member's personnel file.

B. Written Reprimand

A staff member may be given a written reprimand when previous oral warning has not resulted in the expected improvement or when more severe initial action is deemed warranted. A copy of such reprimand will be placed in the staff member's personnel file.

C. Suspension/Discharge

A staff member may be suspended from duty without pay by his/her supervisor for any of the reasons set forth in these procedures. A staff member will receive written notice of such suspension along with notification (oral or written) that he/she may schedule a pre-termination meeting with the superintendent. Discharge action may be taken by the board based upon the recommendation of the superintendent. The staff member will have an opportunity to meet with the board prior to such action.

A staff member may be temporarily suspended from duty with pay, if circumstances warrant, with the prior approval of the superintendent.

A classified staff member who has contact with children, or a certificated staff member will be terminated immediately for a guilty plea or conviction of any felony crime against children as cited above in (F).

D. Demotion

A staff member may be demoted for any of the reasons set forth in these procedures. The staff member will be given written notice including specific reasons for such demotion at least two (2) calendar weeks prior to the effective date of the proposed action. This action requires the prior approval of the superintendent.

Compensation

A. Represented Employees

The district will compensate employees represented by authorized bargaining representative under the applicable collectively bargained salary schedule, which the board must approve.

B. Non-Represented Employees

The superintendent or designee will establish salary schedules for non-represented employees and present the schedules to the board for approval. In establishing salary schedules, the superintendent or designee will comply with any requirements regarding the inflationary increases. For certain positions, like the superintendent or other district-level administrators, the compensation will be established by individual contracts.

C. Reproduction of Annual Salary Schedules for Certificated Employees

The district will reproduce the annual salary schedules for all certificated employees approved by the board through a reasonable method, like printing.

Legal References:	RCW 28A.400.205	State inflationary increases for employees – “Inflationary adjustment index” - defined
	RCW 28A.405.200	Annual salary schedule as basis for salaries for certificated employees
Management Resources:	July 2023	Issue
	Policy News	December 2005, Addition to Certificated Staff Course Options

Garnishment and Personal Credit Problems

When so ordered by the Superior Court, the U.S. Secretary of Education or the Secretary's guaranty agency (in the case of defaulted student loans), the district will comply with the directives of a Writ of Garnishment filed against a staff member of the district. Each garnishment or action for collection of debts will be reviewed by the superintendent and such information will become a part of the record of the staff member. Attempts will be made to counsel or provide a referral for any such staff member with regard to the staff member's financial problems. The district will not discharge a staff member for the reason that a creditor of the staff member has subjected or attempted to subject unpaid earnings of the employee to a writ of wage garnishment directed to the district. This provision will not apply if the garnishments on three or more separate indebtednesses are served upon the district within any period of twelve (12) consecutive months by the Superior Court.

Legal References:	RCW 6.27.040	State and municipal corporations subject to garnishment – service of writ
	RCW 6.27.170	Garnished employee not to be discharged - Exception

Garnishment and Personal Credit Problems

Garnishment will mean a legal stoppage of a specified sum from wages to satisfy a creditor. Any writ of garnishment will be received and signed by the superintendent. Following such notice, the notice will be:

- A.** Forwarded to the personnel department for purposes of recording and authorizing prompt action, and
- B.** Forwarded to payroll to make the necessary changes to the staff member's wages, and to draft a warrant for the garnished amount to be written and forwarded to the creditor as directed.

The personnel department will notify the staff member, in writing, that the garnishment is being processed and will direct the staff member to seek debt counseling. The staff member will also be notified that, if three (3) garnishments are served within a period of twelve (12) consecutive months, the staff member may be terminated.

Personnel Leaves

Upon the recommendation of the superintendent and in accordance with the law and district policy, staff may be granted leaves pursuant to the following conditions, unless the applicable collective bargaining agreement provides otherwise:

- A. Leave at Full Pay Unless Stated Otherwise.** Leaves will be with pay unless otherwise stated. If leaves are to include expenses to be paid by the district, that also will be specifically stated.
- B. Leaves in Units of Full or Half Days.** Leaves may be granted in units of half or full days only.
- C. Return from Leaves.** At the end of any leave shorter than 20 days in duration, sabbatical leave, or sick leave which does not exhaust the staff member's accumulated sick leave, the affected staff member is entitled to return to the position held when the leave commenced or to an appropriate comparable position.
Except as may otherwise be specifically provided by law or district policy, a staff member will be entitled to a position in the district subject to the availability of a position for which the staff member is qualified after leaves of longer duration.
- D. Prior Notice of Application.** Reasonable advance notice is required for all leaves, with specific advance notice as stated in district policy.
- E. Flexibility in Granting Leaves.** The superintendent, with approval of the board, may grant leaves to individuals who might not otherwise be covered, or extend leave in excess of the number of days provided by district policy, in unusual or exceptional circumstances.
- F. Leaves Prorated for Part-Time Staff.** Part-time staff will be entitled to leave benefits, unless otherwise stated in district policy, provided that the length of leaves will be prorated according to the ratio of days and/or hours worked to the number of days and/or hours worked by a full-time staff member in the same or a similar position.
- G. Noncumulative.** Leaves will be noncumulative from year to year unless otherwise stated.

Unpaid Leaves

Upon employee request, the superintendent or designee has discretion to consider providing unpaid leave to employees in certain circumstances. The option to provide unpaid leave does not obligate the district to do so or in any way limit or prevent the district from pursuing other responses.

If the district enters an agreement to provide unpaid leave to an employee who needs additional time to comply with the Governor's vaccine mandate incorporated into Proclamation 21-14.2, that agreement will establish that the employee intends either to vaccinate or complete the exemption request process. Use of unpaid leave for employees who are not yet in compliance with the vaccine mandate in Proclamation 21-14.2 will be time limited and specify a separation date if compliance does not occur within the allotted time.

Cross References:	5411	Staff Vacations
	5410	Holidays

	5407	Military Leave
	5406	Leave Sharing
	5404	Family, Medical, and Maternity Leave
	5403	Emergency and Discretionary Leave
	5401	Sick Leave
Legal References:	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.
	AGO 1980 No. 22	Limitation on compensated leave for school district employees

Sick Leave

I. Paid Sick Leave for Certificated and Classified Staff Members

The District will grant each certificated and classified staff member of the District sick leave days annually in accordance with RCW 28A.400.300 and applicable collective bargaining agreements.

Unused sick leave days may be accumulated from year-to-year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year.

The District may require a signed statement from a physician for any absence in excess of five consecutive days. Pursuant to WAC 296-128-660, if the District requires such verification from a nonexempt staff member and the staff member believes obtaining verification would result in an unreasonable burden or expense, the staff member may contact Human Resources orally or in writing. Verification must be provided to the District within 10 calendar days of the first day a nonexempt staff member used paid sick leave to care for themselves or a family member.

If sick leave benefits are exhausted, the board may grant leave without pay for the balance of the year upon the recommendation of the superintendent/designee.

II. Attendance Incentive Program for Certificated and Classified Staff Members

In January of the year following any year in which a minimum of 60 days of sick leave is accrued, and each January thereafter, any eligible staff member may exercise an option either:

- A. To receive remuneration for unused sick accumulated in the previous year in an amount equal to one day's monetary compensation of the staff member for each four full days of accrued sick leave in excess of 60 days; or
- B. To add that year's sick leave to the staff member's accumulated sick leave.

All such leave for which the staff member receives compensation will be deducted from accumulated sick leave at the rate of four days for every one day's monetary compensation.

A staff member may cash-out all accrued sick leave at the above rate at the time of retirement separation or an eligible separation from employment as set forth in RCW 28A.400.210 and Chapter 392-136 WAC. The administrator of the estate of a deceased staff member may also cash-out all accumulated sick leave at the rate of one day's monetary compensation for every four days of leave. A certified copy of the death certificate and proper documentation of court appointment as administrator of the estate must be submitted to the District office.

III. Additional Paid Sick Leave Provisions

A. Nonexempt Staff Members (Substitutes, Coaches, Community Ed, etc.)

Nonexempt staff members are covered by the sick leave provisions of RCW 28A.400.300 and are also 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, 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 must accrue at least one hour of paid sick leave for every forty hours worked.
2. Nonexempt staff members are entitled to use their accrued paid sick leave beginning on the ninetieth calendar day after the commencement of their employment.

3. Nonexempt staff members may use paid sick leave to care for themselves or their family members, 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, or for absences that qualify for leave under the Domestic Violence Leave Act.
4. Nonexempt staff members must be permitted to carry over at least forty hours of paid sick leave.
5. Retaliation against a nonexempt staff member for lawful exercise of paid sick leave rights is prohibited.

B. 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. Please provide such reasonable notice to Human Resources. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to [insert point of contact] 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 Human Resources as soon as possible.

A nonexempt staff member must give advance oral or written notice to Human Resources 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 Human Resources no later than the end of the first day that the staff member takes such leave.

Cross References:	Board Policy 5406	Leave Sharing
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
	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

	AGO 1964 No.98	Sick leave for certificated and non-certificated employees
	AGO 1980 No.22	Limitation on compensated leave for school district employees
Management Resources Policy & Legal News:	November 2017	

Emergency and Discretionary Leaves

Emergency leave may be granted and may be taken in the case of emergencies as defined in the following:

“An emergency arises out of unforeseen and unexpected circumstances which create an air of crisis or extreme need. The circumstances must present a grave and clear danger that imminently threatens physical or mental health or would result in irremediable harm or in immediate disaster to life or property unless some action is taken.”

A written application for emergency leave must be returned to the district office on the day of return to school.

Family Emergency Leaves

The board recognizes that the demands of the workplace and of families need to be balanced to promote family stability and economic security for school district employees. Conditions for the authorized use of accumulated leave for family leaves are to be fairly construed in a manner consistent with this policy, and other relevant district policies.

Unless otherwise stated, any leave used under terms of this policy will be deducted from the staff member's accumulated sick leave. In the event the staff member's sick leave has been exhausted, the leave will be granted without pay.

Unless a situation is governed by an applicable collective bargaining agreement, the following apply:

A. Domestic Violence Leave

The district will allow victims of domestic violence, sexual assault, or stalking and family members of victims to take reasonable leave from work, intermittent leave or leave on a reduced leave schedule. The leave may be sick leave, other accrued leave or leave without pay. Family member includes a child, spouse, parent, parent-in-law, grandparent or an individual with whom the victim has a dating relationship. The employee will provide advance notice of their intent to take leave. If advance notice is not possible, due to an emergency, notice should be provided no later than the end of the first day that the employee takes the leave.

B. Family Illness

District staff members may use accrued sick leave or other accrued leave, at the employee's choice, to care for a child of the employee with a health condition that requires treatment or supervision. Staff members may use accrued sick leave or other accrued leave, at the employee's choice, to care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency condition. The district may require a signed statement from a licensed medical practitioner to verify the need for treatment, care or supervision for any absence that exceeds five (5) consecutive days.

C. Death in the Family

The district will allow each full-time staff member a maximum of three days or five days if long distance travel is required, leave upon the death of an employee's spouse, 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 will be treated as a single death with respect to the length of leave granted.

An extended unpaid leave of absence for a period up to the beginning of the next school term or school year may be approved at the discretion of the superintendent based upon consideration of educational program needs and the desires of the staff member, together with any

recommendation of professionals such as medical practitioners or counselors regarding the leave request.

Nothing in this section will preclude the use of accumulated sick leave to care for a child with a health condition that requires treatment or supervision, as provided in the 'Family Illness' section of this policy.

Sabbatical Leaves

Certificated staff will be eligible for sabbatical leave for study or research. The district may grant sabbatical leaves of absence for study and/or research upon application by certificated staff, the recommendation of the superintendent, and approval by the board, provided such a leave will serve the best interest of the district and is within the fiscal parameters of the district. The district will declare its intention by February 1. Certificated staff will be eligible for sabbatical leave for study or research. Sabbatical leave will be granted according to the following stipulations:

- A. Years to Qualify:** Staff will have served six or more continuous years in the district.
- B. Limit on Number:** Sabbatical leaves may be granted up to one full year to not more than one certificated staff of the district in any one year, the number granted to be subject to determination by the board upon the recommendation of the superintendent.
- C. Application Deadline:** Applications for sabbatical leave will be filed with the superintendent not later than April 1st prior to the school year for which it is requested. The board may, at its discretion, extend this deadline.
- D. Proposed Plan to Accompany Application:** A proposed plan of study or research to which the time spent on leave will be devoted must accompany the application.
- E. Criteria for Evaluation of Applications:** Applications will be evaluated on the following three criteria:
 - 1. The merit of the proposed plan of study or research and its relationship of service to the district in terms of the individual's professional background.
 - 2. Proportionate representation of the different levels of district schools, such as elementary, middle school, senior high school, and administration.
 - 3. Seniority will be considered.
- F. Final Approval by Board:** Applications approved by the superintendent will be presented to the board for final approval. Once approved by the board, any change of sabbatical plan will be presented in writing and approved by the superintendent in advance of the leave.
- G. Two-Year Studies:** An applicant who is taking part in a two-year study may, upon evaluation of his/her program, request one year of sabbatical leave and a preliminary commitment, subject to district staffing needs, for an additional one-year leave of absence.
- H. Scholarship for Study or Research:** Should the staff member who is granted a sabbatical leave receive a scholarship during the same year as the sabbatical, the total compensation from the two sources will not exceed the salary he/she would receive if under regular contract with the district for full-time service.
- I. Stipend for Study or Research:** A staff member on sabbatical leave for study or research will receive a stipend of 40 percent of his/her regularly contracted salary unless this sum is reduced as a result of section H above. The stipend will be paid in ten or twelve payments at the option of the applicant. All regular salary deductions will be made.

- J. Cancellation of Loan: The stipend will be canceled in the following manner upon the return of the staff member to the district:
 - 1. One-half of the total loan will be canceled after the first year of service in the district;
 - 2. The remaining one-half of the loan will be canceled after the second year of service in the district.
- K. Maintenance of Tenure and Salary Standing: A staff member granted sabbatical leave will maintain standing in tenure and salary.
- L. Limit on Other Employment: A staff member on sabbatical leave for study or research will not seek employment for compensation during the period of sabbatical other than to supplement sabbatical leave income in carrying out the approved program. Such employment must be approved by the superintendent and the board and, when combined with the sabbatical stipend, will not exceed the salary he/she would receive if under regular contract with the district for full-time service.
- M. Report Required Upon Return: Within 30 days of a staff member's return from sabbatical leave, the staff member will file with the superintendent a report giving the substance of the program of study or research in which he/she is engaged, and indicating the value which he/she believes grew out of the experience. If the staff member was employed for compensation during the program, full details of the employment and income should be included in this report.
- N. Leaves to Accept Scholarships: Staff may at any time request leave to accept scholarships of up to one full year which would not involve the district in any financial obligations, in which case all other provisions of the sabbatical leave policy except the percentage limitation would apply.
- O. Return to Original Position: An effort will be made to replace a certificated staff member returning from sabbatical leave in his/her original position or in an appropriate comparable position.

Leaves of Absence

The district may grant leaves of absence for specific periods of time for up to one school year upon application by a staff member, the recommendation of the superintendent and the approval of the board. Such leaves will be without pay or fringe benefits and, with the approval of the board, and may be extended for one additional school year. During the leave the staff member may pay the district's share of any insurance benefits program in order to maintain those benefits. The needs of students and the district program warrant primary consideration. Leaves of absence will be granted only when they will not have an undesirable impact upon the educational program or business operations.

A staff member will be entitled to return to a position in the district at the end of the leave of absence subject to the availability of a position for which the staff member is qualified. The staff member granted a leave of absence will inform the board by April 1 as to his/her intentions to assume a position in the district for the ensuing school year. If said notification is not received, the individual's employment rights with the district will be terminated.

Staff on leave of absence will not earn any salary schedule experience credit or any sick leave credit or benefits during the leave of absence.

Leaves to Attend Meetings/Conferences

The district may grant leaves, subject to the recommendation of the superintendent and approval by the board, to staff for the purpose of attending meetings or conferences that are likely to be of value to the staff member's performance. Meetings and conferences wherein bargaining unit activities are conducted are excluded. Such leaves may be granted without pay and with or without travel expense reimbursement.

Cross Reference:	Board Policy 5021	Applicability of Personnel Policies
Legal References:	RCW 28A.400.300	Hiring and discharging employees – Written leave policies – Seniority and leave benefits of employees transferring between school districts
	RCW 49.12.270	Sick leave, time off – Care of family members
	Chapter 49.76 RCW	Domestic Violence Leave
Management Resources:	Policy News, October 2011	Policy Manual Revisions
	Policy News, April 2009	Domestic Violence Leave

Family, Medical, and Maternity Leave

I. **State Paid Family and Medical Leave (PFML)**

Paid family and medical leave are benefits administered by the Washington State Employment Security Department. Employees interested in applying for these benefits must follow the process described in Chapter 192-610 WAC. Employees who have questions regarding the application process may contact the Employment Security Department or visit its website at paidleave.wa.gov. The district will post notices made available by the Employment Security Department that provide pertinent information regarding paid family and medical leave benefits.

A brief description of the paid family and medical leave benefits program is provided below. The description is not meant to capture every aspect of the program; rather, it is meant to give a general overview.

Eligibility

Employees who have worked 820 hours during the first four of the last five completed calendar quarters or the last four completed calendar quarters are eligible for paid family and medical leave.

Reasons for leave

Family leave means leave taken by an employee from work for the following reasons:

- A. To participate in providing care, including physical or psychological care, for a family member made necessary by a serious health condition of the family member;
- B. To bond with the employee's child during the first 12 months after the child's birth, or the first 12 months after the placement of a child under the age of eighteen within the employee; or
- C. Because of any qualifying exigency as permitted under the federal family and medical leave act for family members as defined by RCW 50A.05.010(10).

Medical leave means any leave taken by an employee from work made necessary by the employee's own serious health condition as defined by RCW 50A.05.010(20).

Amount of leave

Employees may take up to 12 weeks of paid family leave during a period of 52 consecutive calendar weeks.

Employees may take up to 12 weeks of paid medical leave during a period of 52 consecutive calendar weeks. Paid medical leave may be extended by two weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

Employees may take a combined 16 weeks of paid family and paid medical leave during a period of 52 consecutive calendar weeks. The combined total may be extended to 18 weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

Employee notice to district

An employee must provide the district at least 30 days' written notice before paid family or medical leave is to begin if the need for the leave is foreseeable based on an expected birth, placement of a child, or planned medical treatment for a serious health condition.

An employee must provide the district written notice as soon as practicable when 30 days' notice is not possible because of a lack of knowledge of approximately when leave will be required to begin, because of a change in circumstances, or because of a medical emergency.

An employee must provide the district written notice as soon as is practicable for foreseeable leave due to a qualifying military exigency, regardless of how far in advance such leave is foreseeable.

The notice must be in writing and contain at least the anticipated timing and duration of the leave.

District notice to employee

Whenever the district becomes aware that an employee is absent from work for more than seven consecutive days to take family or medical leave, the district must will provide the employee with a written statement provided by the Employment Security Department of the employee's rights.

The notice will be sent by the fifth business day after the employee's seventh consecutive missed day of work due to family or medical leave or by the fifth business day after the employer becomes aware that the employee's absence is due to family or medical leave, whichever is later.

Employment restoration

Upon return from paid family or medical leave, an employee is entitled to be restored to the position of employment held by the employee when the leave commenced or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

As a condition of restoration for employees who have taken medical leave, the district may require those employees to receive certification from their health care provider that they are able to resume work.

The district may deny restoration to any salaried employee who is among the highest paid ten percent of its employees if the following apply:

- A.** Denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;
- B.** The district notifies the employee of its intent to deny restoration on such basis at the time the district determines the injury would occur; and
- C.** The leave has commenced and the employee elects not to return to employment after receiving the notice.

The district may also deny restoration if the employee would not otherwise have been employed at the time of reinstatement.

If the district chooses to deny restoration, it will provide written notice of such denial in person or by certified mail. The notice will include a statement that the district intends to deny employment restoration when the leave has ended, the reasons behind the decision to deny restoration, an explanation that health benefits will still be paid for the duration of the leave, and the date on which eligibility for employer-provided health benefits ends.

The rights described above only apply in the following circumstances: the district has 50 or more employees; the employee has been employed by the district for twelve months or more; and the employee has worked for the district for at least 1,250 hours during the 12 months immediately preceding the date on which leave will commence.

II. Federal Family and Medical Leave

FMLA is generally unpaid leave. Employees can choose to use vacation or personal leave during FMLA or apply for state paid family medical leave (PFML) which would run concurrent with FMLA.

General provisions

Every employee of the district who has worked for the district at least one year and for at least 1,250 hours in the preceding year is entitled to twelve (12) workweeks of family leave during any twelve (12) month period to do the following:

- A.** Care for a newborn child, an adopted child of the employee who is under the age of eighteen at the time of placement for adoption, or a newly placed foster child;
- B.** Care for a spouse, parent or child of the employee who has a serious health condition, or the employee may obtain leave for his or her own serious health condition if it renders the employee unable to perform his or her job; or
- C.** Respond to a qualifying exigency occurring because the employee's spouse, son or daughter, or parent is on active duty or has been notified of pending active duty in support of a contingency operation.

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.

Family leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the superintendent or designee or where intermittent or reduced leave is medically necessary. Instructional staff may not take reduced or intermittent leave when it would constitute 20 percent of the number of working days in the period during which the leave would extend without the approval of the superintendent or designee. An instructional employee may be transferred to an alternative equivalent position that would accommodate reduced or intermittent leave, if such a position is available.

A period of family leave is in addition to any sick leave taken due to the employee's temporary disability attributable to pregnancy or childbirth.

The superintendent or designee may require written verification from the employee's health care provider when the employee is taking medical leave based on his or her own serious health condition.

The district may obtain the opinion of a second health care provider, at district expense, concerning any information pertinent to the employee's leave request. If the opinions of the health care providers differ on any matter determinative of the employee's eligibility for family leave, the two health care providers will select a third provider, whose opinion, obtained at the employer's expense, will be conclusive.

Birth or adoption

Leave taken for newborn or adopted childcare will be completed within one year after the date of birth or placement for adoption.

The district will grant leave upon the same terms to male employees as is available to female employees upon the birth or adoption of the employee's child. Leave will be granted upon the same terms to employees who become adoptive parents or stepparents, at the time of birth or initial placement for adoption of a child under the age of six, as is available to employees who become biological parents. Such leave is available only when the child lives in the employee's household at the time of birth or initial placement.

Employee requests for leave of absence due to birth or initial placement for adoption of a child will be submitted in writing to the superintendent or designee not less than 30 days prior to the beginning date of the leave. The notice will include the approximate beginning and ending dates for the leave requested.

If both parents of a newborn or newly adopted child are employed by the school district, they will be entitled to a total of twelve workweeks of family leave during any twelve month

period, and leave will be granted to only one parent at a time. There is no pooling effect for spouses if the family leave is related to a serious health condition.

Employment restoration

Any employee returning from an authorized family leave will be entitled to the same position held by the employee when the leave commenced, or to a position with equivalent benefits and pay.

An employee may be denied restoration under the following circumstances: a) the specific job is eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or lack of work, b) an employee on family leave takes a position with another employer outside the home, c) the employee fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave, d) or as otherwise allowed by law. If an employee fails to return from family leave, the district may recover the costs of the employee's health benefits paid during the leave.

Instructional staff may be required to delay their return from family leave to the beginning of the next semester under the following circumstances:

- A. The employee began leave five or more weeks before the end of the semester, the leave is for more than three weeks, and the employee would otherwise return to work within three weeks of the end of the semester.
- B. The employee began family leave (except for a personal health condition) less than five weeks before the end of the semester, the leave is for more than two weeks, and the employee would otherwise return to work within two weeks of the end of the semester.
- C. The employee began family leave (except for a personal health condition) three or fewer weeks before the end of the semester and the period of leave is more than five working days.

III. Maternity Leave

A staff member may use accumulated, paid sick leave for the period of actual disability attributable to pregnancy or childbirth. This period will extend from the date of birth for a period of not more than 60 days, unless an actual period of disability which begins prior to the date of birth or continues beyond 60 days is otherwise verified in writing by the employee's physician.

If the employee's accumulated sick leave is exhausted during the period of maternity, the district will grant a leave of absence without pay or fringe benefits, upon the staff member's request, for the remainder of the period of actual disability due to pregnancy or childbirth.

During any unpaid portion of such leave of absence, the staff member may pay the premiums for any district insurance plans to keep coverage in effect for the employee and her family.

Notice

A pregnant staff member is requested to notify her immediate supervisor and the superintendent by the beginning of the fifth month of pregnancy.

At the time of such notice the staff member will submit a written request to her immediate supervisor and the superintendent for one or more of the following:

- A. Maternity leave for the period of her actual disability due to pregnancy or childbirth;
- B. Family leave for a period of up to 12 weeks, in addition to any period of maternity disability leave, the district will extend the employee's health benefit during this period of unpaid leave;

- C. Leave of absence for a period of up to the beginning of the next school term or school year. Such extended leave of absence may be approved at the discretion of the superintendent based upon consideration of educational program needs and the desires of the staff member, together with the recommendation of her personal physician or licensed practitioner; or
- D. Termination of employment by resignation.

The notice to the district will include the approximate beginning and ending dates for the leave.

Employment Conditions

A pregnant staff member may continue working as long as she is capable of performing her normal duties, with the written approval of her physician or licensed practitioner.

The staff member may return to work when physically able to perform her duties. If the employee intends to return to work within 60 days of childbirth, her personal physician or licensed practitioner must certify that the staff member is in good health and ready to resume her duties.

No later than 30 days after the date of birth, the staff member is requested to notify the superintendent or designee of the specific date when she will return to work. Unless the superintendent or designee approves an earlier date of return, the employee will give at least 14 days advance notice of the actual date of return.

The staff member will return to her duties following an extended leave of absence on the date approved by the superintendent or designee. If the employee is still experiencing a disability due to pregnancy, miscarriage, abortion, childbirth or recovery which prevents the employee from performing her duties on the scheduled date of return, an additional period of unpaid leave of absence may be approved at the discretion of the superintendent or designee based upon consideration of educational program needs and the recommendation of the employee's personal physician or licensed practitioner.

Assignment upon Return

An employee who has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth or up to twelve weeks of family leave will return to the same assignment, or a similar position for which she is qualified with at least the same pay and benefits, as she held prior to the maternity leave or family leave.

Upon return from an extended maternity leave, a staff member will be entitled to a position in the district subject to the availability of a position for which she is qualified. An effort will be made to place the staff member in her original position or in a comparable position.

Cross References:	Board Policy 5021	Conflicts Between Policy and Bargaining Agreements
Legal References:	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
	WAC 162-30-020	Pregnancy, childbirth, and pregnancy related conditions
	Chapter 192-500 WAC Chapter 192-800 WAC	Paid Family and Medical Leave

		29 USC Sec 2601 Family and Medical Leave Act of 1993
		29 CFR 825 Family and Medical Leave Act of 1993
Management Resources Policy & Legal News:	October 2019	
	October 2011	
	April 2009	

Leave Sharing

The district will establish and administer a leave sharing program through which eligible employees may donate excess leave for use by an eligible recipient 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; who is a victim of domestic violence, sexual assault, or stalking; who is sick or temporally disabled because of pregnancy disability; who is on parental leave, or who has been called to service in the uniformed services.

Such a program is intended to extend leave benefits to an eligible recipient who otherwise would have to take leave without pay or terminate his or her employment.

The superintendent or designee is directed to develop a procedure for administering the leave sharing program in a manner consistent with state law and applicable collective bargaining agreements.

Cross References:	Board Policy 5021	Applicability of Personnel Policies
Legal References:	RCW 28A.400.380	Leave sharing program
	RCW 41.04.650-665	Leave sharing program -intent
	Chapter 392-126 WAC	Finance-Shared Leave
Management Resources Policy & Legal News:	May 2018	
	October 2010	
	October 2004	
	August 1999	

Leave Sharing

A. A district employee is eligible to receive donated leave if the following conditions are met:

1. The staff member suffers from, or has a relative or household member suffering from, an extraordinary or severe illness, injury, impairment or physical or mental condition; is a victim of domestic violence, sexual assault, or stalking; needs time for parental leave; is sick or temporarily disabled because of pregnancy; or has been called to service in the uniform services,
2. The staff member's condition or circumstance has caused or is likely to cause the staff member to:
 - a. Go on leave-without-pay status; or
 - b. Terminate his/her employment;
3. The staff member's absence and the use of shared leave are justified by documentation;
4. The staff member has depleted, or will shortly deplete, his/her annual leave and sick leave reserves;
5. The staff member has abided by district rules regarding sick leave use; and
6. The staff member has diligently pursued and been found to be ineligible to receive industrial insurance benefits.

The superintendent or designee shall determine the amount of leave, if any, which a staff member may receive under this policy and procedure. However, a staff member shall not receive more leave than the number of contracted days remaining in the current school year. In the event that the condition requiring the employee's absence continues beyond the current school year, the employee shall not receive a total of more than 522 days of donated leave during total district employment.

B. District employees may donate leave as follows:

1. A staff member who has an accrued annual leave balance of more than ten (10) days may request that the superintendent or designee transfer a specified number of days to another person authorized to receive shared leave, or to the district's annual leave pool. 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;
2. A donating staff member must retain a minimum of 176 hours of sick leave after the transfer;
3. A staff member who does not accrue annual leave but who has an accrued sick leave balance of more than twenty-two (22) days may request that the superintendent transfer a specified amount of sick leave to another person authorized to receive such leave, or to the district's shared leave pool. A staff member may not request a transfer that would result in an accrued sick leave balance of fewer than twenty-two (22) days. Sick leave as defined in RCW 28A.400.300 means leaves for illness, injury and emergencies;
4. A staff member who receives personal holiday leave may request that the superintendent or designee transfer a specified amount of personal holiday leave to another person authorized to receive shared leave, or to the district's shared leave pool. A staff member may request to transfer no more than the amount of personal holiday leave provided by RCW 1.16.050 during any calendar year;
5. The number of leave days transferred will not exceed the amount authorized by the donating staff member; and

6. Any leave donated by a staff member which remains unused will be returned to the donor. To the extent administratively feasible, leave transferred by more than one staff member will be returned on pro-rata basis.
- C.** Leave will be calculated on a day-donated and day-received basis.

Military Leave

The district will 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 National Guard for a period not to exceed twenty-one 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 will be in addition to any vacation or sick leave to which the staff member may be entitled and will not result in any loss of rating, privileges or pay. During this 21 day period of military leave, the staff member will receive his/her normal pay from the district.

Employees whose school district employment is interrupted by up to five years of service in a uniformed service are entitled to re-employment by the district following their discharge. The superintendent will adopt procedures to implement these re-employment rights consistent with state and federal law.

Military Leave - Spouse

The district will 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 of unpaid leave during a period of military conflict when:

- A. The military spouse is on leave from a deployment; or
- B. 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 district.

The employee is entitled to fifteen days of unpaid 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.

Cross Reference:	Board Policy 5404	Family, Maternity and Military Caregiver Leave
Legal References:	RCW 38.40.060	Military leave for public employees
	Chapter 49.77 RCW	Military Leave Act
	Chapter 73.16 RCW	Employment and Re-employment
	AGO 1961No.81	Public Employees – State and Municipal Employees – Military Leave – Reserve Meetings
	38 USC 4301 – 4335	Uniformed Services Employment and Reemployment Rights Act
Management Resources:	Policy News, April 2009	Military Leave
	Policy News, February 2009	Military Leave

	Policy News, June 2001	State Updates Military Leave Rights
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Military Leave

Employees whose employment with the district has been interrupted by service in the uniformed services have the following re-employment rights:

- A.** Service in the uniformed services means: active duty, active duty training, initial active duty training, inactive duty training, full-time National Guard duty (including state-ordered active duty) and examinations for fitness for duty;
- B.** If the employee was engaged in military service for up to and including ninety days, the employee will be re-employed in the position he or she would have attained if there had been no interruption of employment;
- C.** If the employee was engaged in military service for more than ninety days, the employee will be re-employed in a position of comparable seniority, status and pay as he or she would have attained without interruption of employment; and
- D.** A district employee who has a service-connected disability will be re-employed in a position of similar seniority, status and pay for which the employee is qualified or becomes qualified with reasonable accommodation by the district.

In order to be eligible for re-employment, the employee returning from military service must apply for re-employment as follows:

- A.** If military service was up to and including thirty days, the employee must report for work at the beginning of the first full work day at least eight hours after the employee has had time to return to his or her residence following the completion of the military service;
- B.** For service from 31 to 180 days, the employee must submit an application for re-employment within fourteen days of completing military service; and
- C.** For service over 180 days, the employee must submit an application for re-employment within ninety days of completing military service.

The application time lines will be extended if it was impossible or unreasonable for the employee, through no fault of his or her own, to report for re-employment. The application time lines will be extended for up to two years if the employee is hospitalized or recovering from an injury suffered as a result of military service.

The employee may be required to document the timeliness of his or her application for re-employment, and the length and type of military service. If an employee does not comply with the timelines for returning to work or applying for re-employment, he or she is subject to district policies related to failure to report for work or exercise rights to re-employment.

Employees returning from military service will receive the seniority and other benefits they would have received if their employment had been uninterrupted, except that employees may be required to pay the employee portion of any benefit that any other employee on a leave of absence would have had to pay. For retirement system purposes, no break in employment will be considered to have happened for employment interrupted by military service, and the district will pay the employer's portion of the retirement system contribution for the time the employee was on military service.

The district will offer health insurance benefits for up to eighteen months of military service. For the first 31 days the employee will pay only the employee's share of the coverage, if any. After 31 days, the employee may only be charged up to 102 percent of the premium for the benefits.

Jury Duty and Subpoena Leave

The district may grant leaves to a staff member for the days he/she is required to serve on a jury. Any compensation received by a staff member for jury duty performed on a contract day is to be reimbursed to the district. Any expense reimbursement received by a staff member for jury duty performed on a contract day will be retained by the staff member. The district may grant a maximum of two days leave (witness fees to be reimbursed to the district) to staff subpoenaed as witnesses in court or other legal proceedings; provided that a leave with pay will not be granted to a staff member for a case brought or supported by a staff member union or association or for a case in which the staff member has a direct or indirect interest in the proceedings.

On any day that a staff member is released from jury duty or as a witness by the court and four or more hours of the staff member's scheduled work day remain, the staff member is to immediately inform his/her supervisor and report to work if requested to do so.

Legal References:	Chapter 2.36 RCW	Juries
Management Resources:	Policy News, April 2007	Jury Compensation vs Expenses
	Policy News, February 2007	Juror Payment Provisions

Unpaid Holidays for Reason of Faith or Conscience

Each district employee may request up to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. In compliance with state law, the Superintendent or designee or the employee's supervisor will grant the request(s) unless he or she determines that the employee's absence would impose an undue hardship on the district or the employee is necessary to maintain public safety.

Employee Request Process

An employee seeking to take unpaid holidays for reasons of faith or conscience will submit a written request to their supervisor a minimum of two weeks prior to the requested days off.

The following information will be included in the request:

1. Name;
2. Position;
3. Number of Day(s) or half day(s) that the employee is requesting off;
4. A sufficient description of the reason for the time off so that the supervisor can determine whether it involves a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization;
5. If the request is made less than two weeks prior to the requested time off, the reason that it was not possible to make the request in a timely manner.

District Approval Process

Upon receipt of an employee request for unpaid holidays, the Superintendent or designee, or employee's supervisor, will determine whether:

1. The request was submitted on a timely basis or sufficient justification exists for it not being timely submitted;
2. The employee has already exhausted his/her two unpaid holidays per calendar year as provided by law;
3. The request for unpaid holidays is based on a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. (Note: The time requested need not conform to a specific holiday or event).
4. The employee's absence would impose an undue hardship on the district; or
5. The employee is necessary to maintain public safety.

Undue hardship is defined as action requiring significant difficulty or expense to the district. The supervisor will determine whether a request for unpaid leave constitutes an undue hardship for the district on a case-by-case basis, taking into account specific objective facts and circumstances present at the time of each request.

In determining whether an employee's request for unpaid leave would impose an undue hardship on the district, the following factors will be considered:

1. The number, composition and structure of the staff employed by the district or in the requesting employee's program;
2. The financial resources of the district or the requesting employee's program;
3. The number of employees requesting leave for each day subject to such a request;

4. The financial impact on the district or requesting employee's program resulting from the employee's absence and whether that impact is greater than a de minimus cost to the district or the requesting employee's program;
5. Impact on the district, the requesting employee's program or public safety;
6. Type of operations of the district or the requesting employee's program;
7. Geographic location of the employee or geographic separation of the particular program to the operations of the district;
8. Nature of the requesting employee's work;
9. Deprivation of another employee's job preference or other benefit guaranteed by a collective bargaining agreement;
10. Any other impact on district operations or the requesting employee's program due to the employee's absence.

The request may be denied for any of the following reasons:

1. The request was not based on a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. (Note: The requested time off need not conform to a specific holiday or event).
2. The employee has already exhausted their two unpaid holidays per calendar year (Note: Unpaid holidays are not cumulative from year to year);
3. The employee is necessary to maintain public safety;
4. Granting the request would impose an undue hardship, as defined above, on the district.

A written response will be provided to the employee within five (5) business days, if feasible, approving or denying the request. If the request is denied, the response will state the reason(s) therefor.

Approval of unpaid holiday time does not constitute approval for an employee to take compensated or other types of leave in conjunction with that time. An employee must seek separate approval for compensated and other types of personnel leave consistent with applicable district policies and procedures.

Cross References:	Board Policy 5400	Personnel Leaves
	Board Policy 5401	Sick Leave
	Board Policy 5403	Emergency and Discretionary Leaves
	Board Policy 5404	Leave Sharing
	Board Policy 5407	Military Leave
	Board Policy 5408	Jury Duty and Subpoena Leaves
	Board Policy 5410	Holidays
	Board Policy 5411	Staff Vacations
Legal References:	Chapter 1.16	General Definitions

	Chapter 43.41	Office of Financial Management
	WAC 82-56-010	Purpose
	WAC 82-56-020	Definition of Undue Hardship
	WAC 82-56-030	Application of definition of undue hardship

Holidays

The district will observe the following school holidays and will not operate on these days:

- A. Sunday;
- B. New Years' Day (January 1) ;
- C. Martin Luther King, Jr. Day (third Monday in January) ;
- D. President's Day (third Monday in February);
- E. Memorial Day (last Monday in May);
- F. Juneteenth (June 19)
- G. Independence Day (July 4) ;
- H. Labor Day (first Monday in September);
- I. Veteran's Day (November 11);
- J. Thanksgiving Day (fourth Thursday in November);
- K. The day after Thanksgiving; and
- L. Christmas Day (December 25).

Whenever any legal holiday, other than a Sunday, falls on Sunday, the following Monday will be a legal holiday, and whenever any legal holiday falls on a Saturday, the preceding Friday will be a legal holiday.

In addition to the above, the following will also be considered to be holidays: the day before Christmas and the day before New Year's Day (December 24 and December 31).

Cross Reference:	Board Policy 2336	Required Observances
Legal References:	RCW 1.16.050	Legal holidays and legislatively recognized days
	RCW 28A.150.050	School Holidays

Staff Vacations

Regular full-time employees (12 months/year) will accrue vacation leave according to the following guidelines (unless an applicable collective bargaining agreement or individual employment contract provides otherwise):

- A. During the first year of current continuous employment – 40 hours (5 days) per annum;
- B. During the second through the fifth year of current continuous employment –80 hours (10 days) per annum;
- C. During the sixth through the tenth years of current continuous employment — 120 hours (15 days) per annum;
- D. During the eleventh year of total employment and each year thereafter — 160 hours (20 days) per annum;

Regular full-time employees may not use any vacation leave until employed for a minimum of six months. Vacation leave for regular part-time employees will be computed on a pro rate basis.

Vacation leave must be taken within the 12-month period following the time when vacation was earned, except that a maximum of 30 days may be accumulated and carried over to the following year.

When employees separate from service by reason of resignation, layoff, dismissal, retirement, or death they are entitled to a lump sum payment of unused vacation leave. No contributions will be made to an employee's retirement system for accrued vacation leave in excess of 30 days.

Classified employees must schedule vacation with their supervisors at least two weeks in advance of the first day of vacation leave. Vacation schedules must recognize the operational needs of the district and are subject to the approval of the supervisor.

When a situation arises while an employee is on paid vacation leave for which the employee is entitled to other leave (e.g. illness, injury, or death of a relative), the employee will be granted such leave (in lieu of the approved vacation leave) provided that the employee submits a request within fourteen (14) days after returning to work indicating the type of leave requested and the circumstances requiring the change in leave status.

Cross References:	Board Policy 5021	Conflicts Between Policies and Bargaining Agreements
Legal References:	RCW 41.50.150	Retirement benefits based on excess compensation – Employer liable for extra retirement costs
	WAC 415-108-510	Treatment of cash payments made in lieu of unused leave – First-in-first-out accounting method for determining leave earned – Forms of leave deemed excess compensation - Conversions
	WAC 415.112.415	Are cash-outs for annual leave and personal leave included in earnable compensation and/or average final compensation?
	AGO 1976 No.10	Accumulation of sick leave while on leave

Retirement Programs

Staff will become members of the Federal Income Contribution Act (Social Security System) and the Washington State Teachers' Retirement System or the Washington School Employees Retirement System as required by law. The district will make contributions to these retirement systems in behalf of staff according to law and will make payroll deductions from staff wages and salaries for the staff contributions to these programs as required by law. No contributions will be made to an employee's retirement system for accrued vacation leave in excess of 30 days.

In the event a staff member becomes disabled in the line of duty and is receiving Workers Compensation benefits, the district will continue to make retirement system contributions and will collect employee contributions and pay such to the retirement system.

Legal References:	Chapter 41.32 RCW	Teachers' Retirement
	Chapter 41.35 RCW	Washington School Employees Retirement System
	RCW 41.50.150	Retirement benefits based on excess compensation – Employer liable for extra retirement costs

Workforce Secondary Traumatic Stress

Purpose

The Hockinson School Board is committed to preventing and addressing secondary traumatic stress for District personnel by supporting mental health in the work place. Everyday school staff work with students experiencing trauma and loss. As a result, teachers, school counselors, administrators, and other school staff may experience secondary traumatic stress. When secondary traumatic stress is left unaddressed, it may lead to staff turnover, burnout, adult chronic absenteeism, and health issues that negatively impact everyone in the school community.

Secondary Traumatic Stress

The Board acknowledges that secondary traumatic stress, also called compassion fatigue, is a natural but disruptive set of symptoms that may result when one person learns firsthand of the traumatic experiences of another. Symptoms of secondary traumatic stress may include feelings of isolation, anxiety, dissociation, physical ailments, and sleep disturbances. In addition, those affected by secondary traumatic stress may experience Changes in memory and perception; alterations in their sense of self-efficacy; depletions of personal resources; and disruption in their perceptions of safety, trust, and independence.

Policy Statement

The District will promote a positive workplace climate that includes a focus on diversity and inclusion.

The Board hereby establishes a district-wide workforce mental health committee with the following functions:

- Share secondary traumatic stress, stress management, and other mental health resources and supports available through the Office of the Superintendent of Public Instruction, the Educational Service District, and the School Employees' Benefits Board;
- Share links to a secondary traumatic stress self-assessment tool and an associated resources;
- Report to the Board at least once per year with a summary of committee activities.

The District will regularly assess district-level and school building-level implementations of this policy and procedure. The assessment will include input from the District's workforce. The District will provide appropriate resources and training to schools and staff for continuous improvement.

Cross References	Board Policy 3112	Social Emotional Climate
	Policy 5203	Staff Assistance Program
Legal References:	28A.300 RCW	
	28A.400 RCW	
Management Resources:	Issue	June 2021

Adoption Date: 06.21

Classification: Essential

Revised Dates:

Workforce Secondary Traumatic Stress

District-wide Workforce Mental Health Committee

- A.** The District will establish a diverse and inclusive Workforce Mental Health Committee. The District will seek committee members who have the interest and skills to best serve the committee. The District's Workforce Mental health Committee will consist of at least the following:
- One teacher and classified staff member from the K-8 level;
 - One teacher and classified staff from the high school level;
 - One staff member from student services and/or support staff;
 - One central office administrator who has funding authority and one central office administrator who can represent Human Resources, this can be the same person;
 - One K-8 building administrator, and one high school building administrator.
- B.** The committee will seek resources related to secondary traumatic stress from OSPI, ESD 112, and the School Employees' Benefit Board. OSPI will link to resources on its website. This webpage will be available by December 2021, search under Secondary Traumatic Stress and/or Educator Well-Being. The committee is encouraged to consider resources supporting comprehensive staff wellbeing. Additionally, the committee may seek input regarding resources from District personnel and the community;
- C.** Materials and resources related to secondary traumatic stress will be shared district-wide via:
- Staff email and the District website
- D.** The duties of the committee will include:
- Sharing supports available through the Office of the Superintendent of Public Instruction, the Education Service District, and the School Employees' Benefits Board;
 - Sharing links to a secondary traumatic stress self-assessment tool and any associated resources;
 - When possible the committee should use a continuous quality improvement process, which can include a staff climate survey in accordance with 3112-Social Emotional Climate (see OSPI webpage for resources). This should include:
 - Offering an opportunity for staff to give anonymous feedback;
 - Reviewing the data collected
 - Utilizing the data collected, report to the Board at least once per year with a summary of committee activities, the status of staff well-being, and an assessment and recommendations for the implementation of this policy and procedure.

Staff Development

Professional Growth and Development for Non-administrative Staff

Additional training and study are prerequisites for continued growth and effectiveness of staff members. It is also necessary for staff members with increased responsibilities and new demands. Staff are encouraged to gain additional job-related skills through special study or in-service training.

Professional Growth and Development for Administrators

The board recognizes that training and study for administrators contribute to their skill development necessary to better serve the needs of the district. Each year the superintendent or designee will develop an administrative in-service program based upon the needs of the district, as well as the needs of individual administrators.

Cross References:	Policy 5005	Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval
	Policy 5240	Evaluation of Staff
Legal References:	RCW 28A.415.040	In-Service Training Act of 1977- Administration of funds-Rules-Requirements for local districts-In-Service training task force
	WAC 181-85-075	Continuing education requirement
	WAC 181-85-200	In-service education approval standards
	WAC 392-121-255	Definition-Academic credits
	WAC 292-121-257	Definition-In-service credits
	Chapter 392-192 WAC	Professional development programs
	Chapter 392-195 WAC	School personnel-In-service training program
	SSSB 5082, Chapter 386,	Laws of 2019 Social-Emotional Learning Committee-Standards and Benchmarks
	SSB 5044, Chapter 197,	Laws of 2021 Public Schools Equity, Etc. Training
Management Resources:	2021	June Issue
	2011	December Issue

Staff Development

Professional Growth Plan

The minimum elements of the district's professional growth plan will be:

- A. A Professional Growth Program Committee that will consist of at least the following: one teacher from the K-8 level; one teacher from the high school level; one itinerant certificated support staff person; one representative of counseling, assessment, library and/or other certificated support staff; one central office administrator; one K-8 building administrator; and one high school building administrator;
- B. Certificated staff will use one or more of the following sources of information in developing their individual professional growth plans: peer review and evaluation, input by parents, input by students, personal and/or professional goals, school district goals, building goals, self-assessment, personal academic records, and school district evaluations; and
- C. Materials, records or portfolios expressly developed as a result of an individual's participation in the professional growth program will be the property of the participant, and will not be retained in the employee's personnel file or used by the district in its formal evaluation process.

In-Service Training Program

In order to participate in the state In-service Training Program the district will:

- A. Conduct a needs assessment. Provide a signed statement of assurance to the Superintendent of Public Instruction that the district will implement the recommendations of the needs assessment;
- B. Appoint, by the board of directors, an advisory in-service training task force comprised of representatives from central administration, building administration, teachers, classified and support personnel, an institution of higher education and the general public;
- C. Establish with the advisory in-service training task force written goals and objectives, identify training activities relevant to the goals and objectives, and design evaluation procedures and criteria to assess the success of the training activities in meeting the goals and objectives. A majority of the task force must concur; and
- D. Not supplant current district funding of existing in-service training and staff development programs with state In-service Training Program funds.

School District Staff Social-Emotional Learning Training and Cultural Competency, Diversity, Equity, and Inclusion Training

Beginning in the 2020-21 school year, and every other school year thereafter, the district must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

In the 2021-22 school year, the district must use of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Cultural competency, diversity, equity, or inclusion.

Beginning in the 2023-24 school year, and every other year thereafter, the district must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the cultural competency, equity, diversity, and inclusion standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. Alignment with the standards of practice must be evaluated using the rubrics developed under

RCW 28A.410.260. The opportunities must also include training on multicultural education and principles of English language acquisition.

For purpose of this social-emotional learning training and cultural competency, diversity, equity, and inclusion training “school-district staff” includes classified staff, certificated instructional staff, certificated administrative staff, and superintendents.

Substitute Employment

The board authorizes the employment of a certificated substitute in the absence of a certificated staff member. In addition, the district may use a substitute in place of a regular staff member when:

- A. Enrollment uncertainties exist at the beginning of a school year; or
- B. Resignations of regular staff do not allow sufficient time for the district to employ an immediate replacement.

On either of the latter occasions the district will employ a contracted staff person within a reasonable time.

The superintendent or designee will be responsible for establishing procedures by which teachers request substitutes and by which substitute teachers are assigned, employed, and compensated.

Substitute teachers who have served for 20 full consecutive working days in the same assignment will, from the 21st day of service on, be paid according to the regular pay plan or collective bargaining agreement operating in the district. The superintendent has authority to waive or reduce the twenty (20) consecutive day rule or add incentives as he/she sees fit in order to fill positions that are hard to fill.

The board authorizes the employment of a spouse of an officer as a substitute teacher when the superintendent deems that there is a shortage of substitute teachers in the district. The terms of the spouse's employment must be commensurate with the relevant pay plan or collective bargaining agreement operating in the district.

Retired school employees may be employed as substitutes in accordance with Policy 5001.

If the superintendent reasonably anticipates that the list of qualified, willing substitutes will be exhausted, emergency substitute certification may be sought from the office of the superintendent of public instruction for persons not fully qualified for a teaching or substitute certificate. Substitutes holding emergency certification may only be assigned work when the list of fully-qualified substitutes is exhausted.

The board authorizes the employment of a classified substitute in the absence of a classified staff member when a program will be adversely affected by the regular staff member's absence and when a substitute can perform the duties in a reasonable manner. A classified substitute employee's eligibility to purchase retirement service credit will be determined according to RCW 41.35 and retirement system rules. Substitute classified employee means a classified employee who is employed by the district exclusively as a substitute for an absent employee. The superintendent is authorized to establish procedures relating to the use of substitute classified staff.

By October 1 of each year, the district will report to the office of the superintendent of public instruction: 1) The number of substitute teachers hired per school year; 2) the number of hours worked by each substitute teacher; 3) the number of substitute teachers that received benefits under the school employees' benefit board; 4) the full daily compensation rate per substitute teacher; and 5) the reason for hiring the substitute teacher.

Cross References:	1610 – Conflicts of Interest 1 st Class Districts
	1610 – Conflicts of Interest 2 nd Class Districts
	5001 – Hiring of Retired School Employees
	5612 – Temporary Administrators

Legal References:	RCW 28A.300.615	Substitute teachers – Hiring and compensation reporting
	RCW 28A.330.240	Employment contracts
	RCW 28A.400.300	Hiring and discharging employees – Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers
	RCW 28A.405.900	Certain certificated employees exempt from chapter provisions
	RCW 28A.410.010 Certification	Duty of professional educator standards board – Rules – Record check – Lapsed certificates – Superintendent of Public Instruction as administrator
	RCW 41.32.570	Postretirement employment – Reduction or suspension of pension payments
	RCW 41.32.802	Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 – Reestablishment of membership
	RCW 41.35.033	Membership – Service Credit – Substitute employees - Rules
	RCW 41.35.060	Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 – Reestablishment of membership
	RCW 42.23.030	Interest in contracts prohibited - Exceptions
	WAC 181-79A-231	Limited certificates
Management Resources:	2016	July Issue
	2011	August Issue
	Policy News, June 2008	Substitute Employment
	Policy News, August 2001	Legislature Authorizes “Retire-Rehire”

Substitute Employment

The following procedures will be in effect:

- A. Substitute teachers will be contacted from the main office;
- B. Teachers who are ill and unable to be present for duty in the morning will use the AESOP system to request coverage;
- C. Teachers who feel ill and do not expect to be able to teach the next day may call before 1:00 p.m. the preceding day instead of the next morning;
- D. The principal will make an accurate and prompt report of all substitute services to the business office. The principal will also rate the substitute teacher on the proper form and return it to the substitute secretary;
- E. Principals will be responsible for keeping the record of days taught by the substitute and will notify the district office when the 21st day of substituting will begin; and
- F. The superintendent's office will notify the substitute secretary in the event leave has been granted to a teacher, indicating the beginning and termination dates.

In the performance of their duties, substitute teachers will be expected to:

- A. Have the same responsibilities and work day as regular teachers;
- B. Attend staff meetings unless excused by the principal;
- C. Follow the lesson plan prepared by the regular teacher or comply with the instructions from the principal. The principal will review the lesson plans of the absent teacher when advance planning is possible. When not, the absent teacher will have made provisions for the substitute in the daily plan book;
- D. On completing an assignment, prepare a definite statement of the work accomplished in each subject, specifying pages covered in various textbooks. New assignments should be noted in the teacher's assignment book or upon a card inserted in the desk copy of the text. All papers should be graded, records made and preparations for the next day completed;
- E. Maintain the "housekeeping" arrangements of the regular teacher;
- F. Administer no corporal punishment to a child. The principal should be contacted in the case of a serious behavior problem;
- G. Complete building reports, including:
 - 1. Attendance reports;
 - 2. Student progress, report cards and warning slips after conferring with the principal; and
 - 3. Communications to parents with the approval of the principal; and
- H. Report to the principal's office before leaving the building in the evening to see if services are needed on the following day.

Substitutes for classified staff will be contacted in the following manner:

- A. **Maintenance** - Unless a state of urgency exists maintenance positions will not be filled by a substitute.
- B. **Operations** - The principal is authorized to employ a substitute custodian from the approved list.
- C. **Secretary** - The principal is authorized to employ a substitute secretary from the approved list when the position is vital to the operation of the unit e.g., one-secretary school, attendance secretary, etc.
- D. **Teacher and Library Aide** - The principal is authorized to employ a substitute when the role of the aide is critical to the operation of the unit e.g., playground aide, library aide.

The substitute for a classified staff member should report to the office of the unit administrator at the end of the day to determine if service, on the following day will be needed.

Temporary Administrators

Persons appointed as temporary replacements to perform administrative tasks in emergency situations, during times of workload fluctuations or employee absences, or on special projects of short-term duration will be considered temporary administrative employees. They will be employed and assigned by action of the board and will be compensated for services on the basis of salary rates within board approved budgetary allocations.

The appointment and service of a temporary administrative employee will be based on principles of performance, ability and qualifications, as for any other employment action, with consideration for the urgency and other circumstances of the district's need and for the immediate availability of persons qualified to fill the need.

If a retired administrator is hired as a temporary administrator, he/she may work up to 867 hours without affecting his/her retirement.

Cross Reference:	Board Policy 5001	Hiring of Retired School Employees
Legal References:	RCW 28A.400.300	Hiring and discharging employees – Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers
	41.32.570	Postretirement employment – Reduction or suspension of pension payments
Management Resources	Policy News, August 2011	Legislature refines the retire/rehire law
	Policy News, October 2001	“Retire-Rehire” Correction

Volunteers

The district recognizes the valuable contribution made to the total school program through the volunteer assistance of parents and other citizens. In working with volunteers, district staff will clearly explain the volunteer's responsibility for supervising students in school, on the playground and on field trips. On field trips both students and volunteers are to be informed of the rules of student behavior and the means by which they are to be held accountable to those rules.

The superintendent will be responsible for developing and implementing procedures for the utilization of volunteers. The selection and use of volunteers will be consistent with those policies and procedures as specified for unsupervised volunteers as specified in Policy 5005, Employment: Disclosures, Certification Requirements, Assurances and Approval.

Cross References:	Board Policy 5005	Employment: Disclosures, Certification Requirements, Assurances and Approval
Legal References:	RCW 43.43.830-840	Washington State Patrol – Background checks
	WAC 446-20-285	Employment – Conviction Records

Volunteers

The voluntary help of citizens should be requested by staff through administrative channels for conducting selected activities and/or to serve as resource persons.

Volunteers will:

- A.** Serve in the capacity of helpers and not be assigned to roles which require specific professional training. Instructional services will be rendered under the supervision of certificated staff;
- B.** Refrain from discussing the performance or actions of a student except with the student's teacher, counselor or principal;
- C.** Refer to a regular staff member for final solution of any student problem which arises, whether of an instructional, medical or operational nature;
- D.** Receive such information as:
 - 1. General job responsibilities and limitations;
 - 2. Information about school facilities, routines and procedures;
 - 3. Work schedule and place of work; and
 - 4. Expected relationship to the regular staff;
- E.** Be provided appropriate training at the building level, if new volunteers, consistent with their tasks and existing district standards. This training will be developed under the leadership of the principal in consultation with a district supervisor;
- F.** Have assignments and activities carefully defined in writing. Examples of suggested duties for volunteers may include:
 - 1. Bulletin boards;
 - 2. Preparation of materials for art, science, math classes;
 - 3. Office support duties
 - 4. Clean up activities,
 - 5. Library and audio visual duties;
 - 6. Assistance with physical education exercises;
 - 7. Instructional activities appropriate to the volunteer's training and classroom needs such as monitoring math assignments, listening to oral reading and others;
 - 8. Vision and hearing testing and approved medical surveys;
 - 9. School activities supervision; and
 - 10. Playground supervision with a staff member;
- G.** Have their services terminated for these and other reasons:
 - 1. Program and/or duties completed;
 - 2. Resignation of the volunteer;
 - 3. Replacement by paid staff member; and
 - 4. Circumstances which in the judgment of the administration may necessitate asking the volunteer to terminate services.

Student Teachers

The board encourages cooperation with colleges and universities within the state in the training of student teachers. The district will accept student teachers from accredited institutions of higher learning with which the district has a cooperative agreement approved by the board.

The board authorizes the superintendent to honor those reasonable rules, regulations and training guidelines of the teacher training institution. The teacher training institution will be expected to provide liaison personnel who will work cooperatively throughout the training process with the principal and the supervising teacher.

The superintendent will coordinate the request for placement with building principals in order that excessive concentrations of student teachers in any given building will be avoided. Student teachers will comply with the policy of the district as it applies to certificated staff. The supervising teacher and the principal will be responsible for the conduct of the student teacher.

Cross Reference:	Board Policy 5521	Teacher Assistance Program
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Student Teachers

The procedures for developing and implementing a student teacher agreement are as follows:

- A.** The college representative will present a student teacher agreement to the superintendent for review and approval;
- B.** The superintendent will coordinate the institution's request for placement with principals to determine if placements are possible in the subject areas requested;
- C.** The college supervisor will be notified of placements that can be accepted during the quarter;
- D.** Assignment will be made with the approval of the cooperating staff member and the principal;
- E.** A student teacher will be assigned to a teacher with no less than three years of teaching experience;
- F.** A supervising teacher will not be assigned more than one student teacher per school year;
- G.** The supervising teacher will be responsible for the class and should not delegate responsibilities until the student teacher has displayed the proficiency to accept them; and
- H.** A student teacher should assume the same conditions of employment as a regular teacher in terms of length of school day, supervision of co-curricular activities, staff meetings, and in-service training.

Administrative Internships

The board recognizes the need to provide training opportunities for prospective administrators. Internships for those who are in the process of acquiring administrative credentials will be approved on an individual basis. Specific factors to be used in considering an individual for an internship position will include but not be limited to academic record, teaching ability, leadership qualities, communication skills and dedication to past and present assignments.

If recommended by the screening committee, the superintendent will be responsible for scheduling any necessary release time, arranging for constructive supervision of the internship experience and identifying a variety of experiences which will meet the needs of the intern.

Administrative Internships

The following procedures will be followed in the selection of interns for administrative or supervisory positions:

- A.** By April 15 of each year all staff members will be advised of their opportunity to establish eligibility for an internship;
- B.** The building principal and school employees, when appropriate, will screen, interview, and recommend interns;
- C.** The individuals recommended for consideration as interns will be scheduled for internship assignments when and where it will be most advantageous to the district.

The intern and his/her supervisor will set objectives and plan appropriate activities dealing with such areas as: personnel, curriculum, community relations, student relationships, finance, non-instructional operations and facilities.