# 5000 Series Personnel

# TABLE OF CONTENTS
**Personnel - Series 5000**

## RECRUITMENT AND PERSONNEL SELECTION


Recruitment and Selection of Staff ..... 5000
Procedures .....5000P
Hiring Retired School Employees . . . . . 5001
Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval.. 5005
Procedures .....5005P
Certification Revocation ..... 5006
Nondiscrimination and Affirmative Action ..... 5010
Procedures .....5010P
Sexual Discrimination and Sex-Based Harassment of District Staff Prohibited . . . . . .5011
Sexual Harassment 5013
Procedures 5013P
Civility ..... 5117
Collective Bargaining .....5020
Applicability of Personnel Policies .....5021
Contracts ..... 5050
A. Certificated Staff Contracts
B. Superintendent Contracts
C. Classified Staff Contracts
D. Supplemental Contracts
E. Consultants


## EMPLOYMENT PRACTICES


Drug-Free Schools, Community and Workplace ..... 5201
Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program . . . . . 5202
Procedures .....5202P
Transfers .....5211
1. Voluntary Transfer
2. Involuntary Transfers or Reassignments
Part-time Staff ..... 5221
Job-Sharing Staff Members .....5222
Job Descriptions/Responsibilities ..... 5230
1. Duties of Classified and Certificated Staff
2. Principals and Program Administration
3. Duties of Administrative Staff
Procedures .....5230P
Length of Workday ..... 5231
Procedures ..... 5231P
Evaluation of Staff ..... 5240
Conflicts of Interest .....5251
Staff Participation in Political Activities .....5252
Procedures .....5252P
Maintaining Professional Staff/Student Boundaries . . . . . .5253
Additional Guidelines 5253F1
Staff Expression …….. 5254
Procedures……. 5254P
Personnel Records .....5260
Procedures .....5260P
Resolution of Staff Complaints .....5270

Procedures .....5270P
Reporting Improper Governmental Action (Whistleblower Protection)..... 5271
Procedures .....5271P
Separation from Employment ..... 5280
Release from Contract
Procedures .....5280P
Disciplinary Action and Discharge ..... 5281
Procedures .....5281P

**COMPENSATION**

Compensation Schedules ..... 5310
1. Certificated Salaries
2. Classified Salaries
3. Administrative Salaries
4. Application of Course Credits to the Certificated Salary Schedule
5. Military, Peace Corps, or Vista Credit
Garnishment and Personal Credit Problems .....5315
Procedures .....5315P

**LEAVES**

Personnel Leaves .....5400
Sick Leave ..... 5401
Maternity Leave ..... 5402
Family Emergency Leave ..... 5403
Family, Medical and Maternity Leave . . . . . ..... 5404
Emergency Leave .....5405
Leave Sharing .....5406
Procedures .....5406P
Military Leave .....5407
Procedures .....5407P
Jury Duty and Subpoena Leave .....5408
Unpaid Holidays for Reason of Faith or Conscience…… 5409
Holidays……5410

**BENEFITS**

Retirement Programs .....5510
Workforce Secondary Traumatic Stress…….. 5515
Procedures…… 5515P
Staff Development ..... 5520
Procedures .....5520P
Professional, Civic and Service Organization Memberships .....5525

**AUXILIARY PERSONNEL**

Substitute Employment ..... 5610
Procedures ..... 5610P
Temporary Administrators ..... 5612
Volunteers ..... 5630
Procedures .....5630P
Student Teachers ..... 5641
Procedures .....5641P
Internships ..... 5642
Procedures .....5642P

# Recruitment, Selection, and Evaluation of Staff

**The board of directors delegates most or all recruitment and selection of school district staff to the superintendent and/or their designee(s).**

Staff are recruited and selected to ensure that all staff members are highly effective and have the necessary skills and experience to meet the learning needs of all students.

Staff positions are established by the board based on recommendations of the superintendent according to the needs and financial constraints of the district. The superintendent or their designee establishes the necessary skills, competencies, qualifications, education, experience, and past performance levels required for each position and to contribute toward 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, reference check process, and other requirements.

Positions are created and filled with consideration of salary and budget parameters, strategic goals, student enrollment, and legal requirements. Part of the district's strategic and short-term planning processes analyze current and projected staffing requirements. The superintendent or their designee(s) 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.

| | |
|---|---|
| Cross References: | 5005 - Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval<br>5240 – Evaluation of Staff<br>5610 - 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.<br>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<br>RCW 43.43.830 Background checks — Access to children or |

vulnerable persons — Definitions

RCW 43.43.832 Background checks —Disclosure of information - Sharing of criminal background information by health care facilities

RCW 49.44.200 Personal social networking accounts – Restrictions on employer access - Definitions

RCW 49.44.205 Violations of RCW 49.44.200 – Civil action - Remedies

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

WAC 392-190-0591 Public school employment and contract practices - Nondiscrimination

Management Resources:

2025 – October Issue
2014 - December Issue

2012 - February Issue

Adoption Date: 22 April 2003
Classification: **Important**
Revised Dates: **01.26;**

## 5000P RECRUITMENT AND SELECTION OF STAFF PROCEDURES

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 (use birth data to estimate "K" enrollment).

B. Establish staffing needs using the lowest projections.

C. Identify returning staff members, including returns from leave of absence and excluding retirees.

D. Identify openings, recognizing the new requirements, goals and priorities of the district and including possible co-curricular assignment needs.

E. Review voluntary transfer requests in relation to the provisions of the collective bargaining agreement.

F. 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.

**SCREENING**

A. Identify screening and interviewing team with alternates prior to announcing the vacancy.

B. Review criteria for screening.

C. Compile a screening summary report for each candidate to be considered including specific reasons for eliminating candidates.

D. Select candidates to be interviewed. (Note: Findings should be stated on the screening summary report for each candidate that was considered.)

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 pre-determined 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.

**VERIFYING REFERENCES**

A. Contact candidate's previous supervisor(s). Ask prepared list of job-related questions.

B. Contact any personal acquaintances who would know about the qualifications of the candidate.

C. 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.

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); and
   3. be expected to verify in writing his/her willingness to accept a contract if offered;
   4. be expected to present documents, as per P.L. 99-603, which establish his/her identity, and attest, in writing, his/her eligibility to work; 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 as part of the consent agenda.

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, register teaching certificate.

E. Issue staff handbook; curriculum guides; standards, expectations, responsibilities; performance evaluation materials; payroll information, health information, HIV, and infection control.

**DEVELOPMENT OF INTERVIEW QUESTIONS**

The following suggestions are designed to assist in developing interview questions:

A. Ask job-related questions;

B. Ask open-ended questions, not ones that can be answered "yes" or "no"; and

C. Ask the candidate to elaborate on answers. Paraphrase or rephrase the applicant's responses to be certain that you understand.

D. Be sure to explore all potential problem areas by asking pertinent questions about:
   1. intervals between jobs;
   2. short length of time of previous job or jobs;
   3. vague reasons for leaving previous job or jobs; and
   4. lack of sufficient work experience or skills for the position.

E. Ask one clear and concise question at a time.

F. Avoid cross-examination or pressure techniques.

G. Insure fairness by asking the same questions developed from the established criteria for the position.

H. Abide by the Human Rights Commission's published list of fair and unfair questions.

Implementation Date: 26 August 2003
Grapeview School District

# 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.

[If your district is a second-class district as defined in RCW 28A.300.065, you can include this language in addition to what's above: 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 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.

[If your district is a second-class district as defined in RCW 28A.300.065, you can include this language in addition to what's above: Until July 1, 2025, TRS 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 & 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 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 41.32.010, 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: | 5610 - Substitute Employment<br>5612 - Temporary Administrators<br>5050 - Contracts |
| Legal References: | RCW 28A.405.900 Certain certificated employees exempt from chapter provisions<br>Chapter 41.32 RCW Teachers' retirement<br>RCW 41.32.570 Post-retirement employment—Reduction or suspension of pension payments<br>RCW 41.32.802 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>RCW 41.32.862 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>Chapter 41.35 RCW Washington school employees' retirement system<br>RCW 41.35.060 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>Chapter 41.40 RCW Washington public employees' retirement system<br>RCW 41.40.037 Service by retirees—Break in employment requirement—Reduction of retirement allowance upon reemployment—Reestablishment of membership |
| Management Resources: | 2023 – April Issue<br>2022 - June Issue<br>2016 - July Issue<br>2011 - August Issue<br>Policy News, June 2007 Revisions to Retire/Rehire Law |

Adoption Date: 25 April 2017
Classification: **Essential**
Revised Dates: **10.22; 6.23**

# 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**
Definition: "Unsupervised Access to Children" means contact with children that provides personal interaction when not under the direct supervision of a child care provider or staff with supervisor authority, whether in person or virtual.

Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:
Prospective staff members 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:
Supervised staff and volunteers 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 will 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 will not be recommended for employment, or if conditionally employed, may 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 Office of Superintendent of Public Instruction's (OSPI) 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 OSPI 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 and sufficient 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:

6530 - Insurance

5610 - Substitute Employment

5520 - Staff Development

5281 - Disciplinary Action and Discharge

5252 - Staff Participation in Political Activities

5006 - Certification Revocation

1610 - Conflicts of Interest (Districts with 2,000 or more students)

Legal References:

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.400.300Hiring and discharging of employees ▯▯▯ Written leave policies ▯▯▯ Seniority and leave benefits of employees transferring between school districts and other educational employers

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.400.303 Record checks for employees

RCW 28A.405.060 Course of study and regulations ▯▯▯ Enforcement ▯▯▯ Withholding salary warrant for failure

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.410.010 Certification ▯▯▯ Duty of professional educator standards board ▯▯▯ Rules ▯▯▯ Record check ▯▯▯ Lapsed certificates ▯▯▯ Superintendent of public instruction as administrator

RCW 28A.660.020 Proposals - Funding

RCW 28A.660.035 Partnership grant programs - Priority assistance in advancing cultural competency skills

RCW 43.43.830 Background checks ▯▯▯ Access to children or vulnerable persons ▯▯▯ Definitions

RCW 50.44.050 Benefits payable, terms and conditions ▯▯▯ "Academic year" defined

RCW 50.44.053 "Reasonable assurance" defined ▯▯▯ Presumption, employees of educational institutions

RCW 49.44.240 Discrimination based on cannabis use▯▯▯Exceptions

P.L. 99-603 Immigration Reform and Control Act of 1986 (IRCA)

P.L. 104-193Personal Responsibility and Work Opportunity Reconciliation Act of 1996

WAC 162-12 Preemployment 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 assignment of teachers

WAC 181-85Professional certification ▯▯▯ Continuing education requirement

WAC 392-300-050 Access to record check data base

WAC 392-300-055 Prohibition of re-dissemination of fingerprint record information by educational service districts, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools

WAC 392-300-060 Protection of fingerprint record information by educational 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:

2017 - July Issue

2010 - October Issue

Policy News, October 2005 Public Disclosure

Policy News, October 2005 Sex Offender Reporting Requirements

Policy News, April 2004 School Employee Sexual Misconduct

Policy News, October 2001 Updates from the State Board of Education

Policy News, June 1999 School Safety Bills Impact Policy

Policy News, February 1999 Local Boards Decide Endorsement Waivers

Policy News, August 1998 District Must Report New Hires

Adoption Date: 22 April 2003
Classification: **Essential**
Revised Dates: **04.17; 10.17; 06.24; 12.24**

## 5005P EMPLOYMENT: DISCLOSURES, CERTIFICATION REQUIREMENTS, ASSURANCES AND APPROVAL PROCEDURES

**CITIZENSHIP STATUS**
Prior to official employment, the district will document the citizenship/immigration information regarding employment eligibility that is furnished by the prospective employee. The information that is recorded may come from single documents which establish both identity and authorization to work, including:

**Acceptable Verification Document for New Hires**

1. One Document Establishing **Both** Identity and Employment Authorization

| | | |
|---|---|---|
| U.S. Passport | Resident Alien Card | Alien Registration Card<br>a.k.a. "Green Card" |

**-----OR-----**

2. One Document Establishing Identity **PLUS** 3. One Document Establishing Employment Authorization

| | | |
|---|---|---|
| Driver's License<br>Or<br>State-issued ID card with photo | | Social Security Card |

The district must complete an Immigration Service Form (I-9) for each staff member employed after November, 6, 1986, and keep that form on file for three years.

**BACKGROUND CHECK**
As per board policy, the superintendent may employ staff members on a temporary basis until the board takes final action on the recommendation of the superintendent. Unsupervised employees are subject to a background check with fingerprints to be furnished by the state patrol and Federal Bureau of Investigation. Unsupervised volunteers and employees without unsupervised access to children shall have name and date of birth background checks provided by the Washington State Patrol.

If a volunteer has undergone a criminal record check in the last two years for another entity, the district shall 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. The entity from whom the record check is obtained is immune from criminal or civil liability for the dissemination of the information. In this instance, the district will also require that the volunteer sign a disclosure statement assuring the district that the volunteer has not been convicted of a covered crime since the completion of the criminal record check.

All such records shall be treated as confidential and only the superintendent and the confidential secretary shall be authorized to access the Superintendent of Public Instruction's record check data base and district record check data including records of arrest and prosecution (RAP sheets). RAP sheets shall be secured by the district in storage separate from personnel and applicant records. Further use of the record following initial employment or re-dissemination of the records to another organization or individual is expressly prohibited. Lawful use of such information does not constitute liability for defamation, invasion of privacy, or negligence, but noncompliance with this policy, relevant rules and statutes may allow for the recovery of civil damages under applicable federal and state statutes.

Implementation Date: 22 April 2003
Grapeview School District

## 5006 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 shall not engage in unprofessional conduct including:

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

Cross References:

| | |
|---|---|
| Policy 5005 | Employment: Disclosures, Certification Requirements, Assurances and Approval |
| Policy 5281 | Disciplinary Action and Discharge |

Legal References:

| | |
|---|---|
| RCW 28A.400.320 | Mandatory termination of classified employees |
| RCW 28A.405.470 | Mandatory termination of certified employees |
| RCW 28A.410.090 | Revocation of Authority teach--Method--Grounds |
| RCW 28A.410.100 | Revocation of authority to teach--Hearings and appeals |
| RCW 28A.410.110 | Reinstatement prohibited for crimes |
| WAC 180-79A | Certification for School Personnel |
| WAC 180-86 | Professional Certification Proceedings |
| WAC 180-87 | Acts of Unprofessional Conduct |
| WAC 180-79-122 | Good Moral Character and Personal Fitness--Necessary supporting evidence by applicants |

Adoption Date: 22 April 2003
Grapeview School District

# Nondiscrimination and Affirmative Action

**Definition**
"Protected status" is short for the phrase "age, sex, race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, homelessness, immigration or citizenship status, marital status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability."

**Nondiscrimination**
The district is committed to an educational and working environment free from discrimination and harassment based on a person's protected status.

The district will not deny any person the benefit of, or subject any person to discrimination in employment, recruitment, promotion, advancement, consideration, or selection in connection with employment based on their protected status.

The district will make all employment decisions in a non-discriminatory manner and will not limit, segregate, or classify any person in a way that could adversely affect their employment opportunities or status based on their protected status.

The district will not enter into any contractual or other relationship that directly or indirectly results in the discrimination of any person in connection with employment based on their protected status.

The district will not grant preferential treatment to applications for employment based on an applicant's enrollment at any education institution or entity that only predominantly admits students based on sex, race, color, or national origin if the giving of such preferences has the effect of discriminating based on sex, race, color, or national origin.

**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.

**Examples of Employment Discrimination**
Employment discrimination may include the following:

1. Unfair treatment based on an employee's protected status, including unfair or separate treatment in pay scale, assignment of duties, opportunities for advancement, conditions of employment, hiring practices, leaves of absence, hours of employment, and assignment of instructional and non-instructional duties.

2. Harassment based on an employee's protected status by supervisors, co-workers, or others in the workplace that is so severe or persistent that it creates a hostile environment.

3. Denial of a reasonable workplace accommodation that an employee needs because of religious beliefs or a disability.

4. Retaliation because an employee complained about employment discrimination or assisted with an employment discrimination investigation or lawsuit.

5. Making employment or placement decisions based on stereotypes or assumptions about one's protected status.

6. Discriminating against individuals married to or otherwise associated with people of a certain group.

7. Prohibiting an employee from using the restroom consistent with his or her gender identity.

These are examples of employment discrimination and are not an exhaustive list.

**Discriminatory Harassment**
The district prohibits discriminatory harassment in the workplace. Discriminatory harassment is unwelcome or offensive conduct directed toward a person based on their protected status that is sufficiently severe or pervasive to create an environment that a reasonable person would consider intimidating, hostile, or offensive. Petty slights, annoyances, or isolated incidents, unless extremely serious, will not rise to the leave of discriminatory harassment.

Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, offensive objects or pictures, and interference with work performance.

When the district becomes aware of potential discriminatory harassment, it will promptly investigate the conduct and, as appropriate, take reasonable steps to prevent and promptly correct the harassing conduct.

**Employment of Persons with Disabilities**
To fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

1. The district will not discriminate against a qualified individual based on their disability, nor will the district limit, segregate, or classify any applicants for employment or any staff member in any way that adversely affects their opportunities or status because of their 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 reasonably accommodate 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.

   Reasonable accommodations may include making facilities used by staff readily accessible and usable by persons with disabilities; 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.

An undue hardship means an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of the district. In determining whether an accommodation would impose an undue hardship on the district, the district may consider, among other things, the cost of the accommodation, the district's size, the district's financial resources, and the nature and structure of its operations.

3. The district will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related, and 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 inquiries 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.

**Nondiscrimination for Military Service**
The district will not discriminate against any person who is a member of, applies to be a member of, or performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of their 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.

**Affirmative Action Program**
The district will develop an affirmative action employment plan or program that includes appropriate provisions designed to eliminate discrimination based on protected status.

Regarding sex discrimination, the district's affirmative action employment plan or program must include the requirements to maintain credential requirements for all personnel without regard to sex; make no differentiation in pay scale based on sex; make no differentiation in the assignment of school duties based on sex except where an assignment would involve duty areas or situations such as, but not limited to, a shower room, where persons might be disrobed; provide the same opportunities for advancement for males and females; and make no differentiation in conditions of employment based on sex, including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of or payment for instructional or noninstructional duties.

**Complaint Procedure**
The district will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the district will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all employees of it. The district will provide the notice in a language each employee can understand, which may require language

assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency.

The district will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

**Compliance Officer**
The superintendent will designate an employee who is responsible for monitoring and coordinating the district's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

**Retaliation Prohibited**
The district will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the district will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

| | |
|---|---|
| Cross References: | 2030 - Service Animals in Schools |
| | 5011 - Sexual Harassment of District Staff Prohibited |
| | 5270 - Resolution of Staff Complaints |
| | 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 |
| | RCW 28A.642 Discrimination prohibition |
| | RCW 49.60 Discrimination—Human rights commission |
| | 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 |
| | RCW 73.16 Employment and Reemployment |
| | WAC 392-190 Equal Education Opportunity—Unlawful Discrimination Prohibited |
| | WAC 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 (IRCA) 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 Assistance Act of 1974 (VEVRAA)

WAC 392-190-0591 Public school employment and contract practices—Nondiscrimination

Management Resources:

2018 - May Policy Issue

2017 - April Issue

2014 - December Issue

2013 - June Issue

2011 - June Issue

2011 - February Issue

Policy News, August 2007 Washington□□□s Law Against Discrimination

Policy News, June 2001 State Updates Military Leave Rights

Adoption Date: 22 April 2003
Classification: **Encouraged**
Prior Revised Dates: **09.11; 12.16; 03.24; 02.25; 10.25**

## 5010P NONDISCRIMINATION AND AFFIRMATIVE ACTION PROCEDURES

### 1. Nondiscrimination

**Nondiscrimination**

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member'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 law 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 to this and the following steps will be taken:

**Affirmative Action Plan**

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The following goals will assure that a meaningful educational experience may continue to exist for students and staff alike. The district will:

Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the various job categories.

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.

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 with disabilities, 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.

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.

Take appropriate action to attract and retain aged, persons with disabilities, 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.

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:

A. Printing and distributing such information to staff, school libraries and offices;

Publicizing such information in district newsletters;

Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;

Conducting faculty meetings and meetings with classified staff;

Informing appropriate and interested recruiting and hiring sources; and

Informing all representative staff groups in the district.

**Internal Audit And Monitoring System**

The superintendent's office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons without disabilities, ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board annually. 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 superintendent. The duties include:

B. Analysis of the categories of employment in relation to affirmative action goals;

Analysis of work force data and applicant flow;

Maintaining records relative to affirmative action information;

Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;

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

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 with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member'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 (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal anti-discrimination law**s** A **"**complaint**"** shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A "respondent" shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

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

**Informal Process for Resolution**

When a staff member 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 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 feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member 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 staff member may proceed to the formal review procedures.

**Level One -**
The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, 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 will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent's written response will state that the district either:

C. Denies the allegations contained in the written complaint received by the district, or

Will implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

Such 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 written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the 10th calendar day following:

D. The date upon which the complainant received the superintendent's response; or

The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

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. The board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board 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.

**Level Three - Appeal to the Superintendent of Public Instruction**
If a complainant disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction.

E. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20) day following the date upon which the complainant received written notice of the board of directors' decision.

A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth:

A concise statement of the original complaint and the portions of the board of directors' decision which is appealed; and

The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

**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
   Dr. Donald Brannam, Superintendent and Compliance Officer

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 training held elsewhere.

**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.

The term "sexual harassment" is defined by the regulations implementing the federal law Title IX of the Education Amendments Act of 1972 at 34 C.F.R. § 106.30.

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

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is stated or implied obtaining 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 intimidation, 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 sexual harassment, eliminate the hostile environment, prevent its occurrence 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 on-going 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 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, prompt timelines, and delineate staff responsibilities under this policy.
Any school employee who witnesses sexual harassment or receives 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 an employee or 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 sex discrimination and sexual harassment will be referred to the district's Title IX Coordinator. Reports of discrimination based on sexual orientation, gender expression, gender identity, race, creed, color, national origin, religion, honorably discharged veteran or military status, or age, or complaints alleging violations of the Boy Scouts of America Act will be referred to the district's 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 clearly stated and conspicuously posted throughout each school building, provided to each employee, and reproduce 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. The superintendent is encouraged to involve staff, volunteers, and parents in the review process.

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|---|---|
| Cross References: | 3205 - Sexual Harassment of Students Prohibited |
| | 3207 - Prohibition of Harassment, Intimidation, and Bullying of Students |
| | 3210 - Nondiscrimination |
| | 3211 - Gender-Inclusive Schools |

3421 - Child Abuse and Neglect
5010 - Nondiscrimination and Affirmative Action

Legal References:

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies

WAC 392-190-058 Sexual harassment

20 U.S.C. §§ 1681-1688
34 C.F.R. § 106

Management Resources:

2015 - July Policy Alert
2014 - December Issue
2010 - October Issue
2022 - June Issue
2024 – August Issue

Adoption Date: 25 April 2017
Classification: **Essential**
Revised Dates: **09.21; 11.22; 09.24; 6.25**

# Procedure - 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.

**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 822 E Mason Benson Rd. Grapeview, 98546.

**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 Superintendent or HR Director for evaluation. The Superintendent or HR 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 Superintendent or HR Director 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 same. Staff will also direct potential complainants to the Title IX Coordinator. 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 or alleges 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 person; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent or 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, HR Director, 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 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, at 822 E Mason Benson Road, Grapeview, 98546 – Fax 360-427-8975. 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 <u>preponderance of the evidence</u> 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 Title VI 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.
- Any 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.
- 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.

**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 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 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.

**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 (20) 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, the 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 Title IX/Civil Rights Compliance Coordinator 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: 2015 - July Policy Alert
2014 - March Issue

Adoption Date: Nov 2017 (Procedure)
Classification: Essential
Revised Dates:

Replaced Policy and Procedures 5013
Adoption Date: June 27, 1995: Modified 29 January 2002: Re-Adopted: 26 August 2003
Grapeview School District

## 5020 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 shall engage in collective bargaining with the properly designated bargaining units and shall abide by collective bargaining agreements reached with such properly designated bargaining units.

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

Cross Reference:

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| Policy 5021 | Applicability of Personnel Policies |

Legal References:

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|---|---|
| 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 |

Adoption Date: 22 April 2003
Grapeview School District

## 5021 APPLICABILITY OF PERSONNEL POLICIES

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 shall 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 shall govern.

Cross Reference:

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|---|---|
| Policy 5020 | Collective Bargaining |

Legal References:

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| RCW 41.59.910 | Construction of [public employment] chapter--Effect on existing agreements--Collective bargaining agreement prevails where conflict |

Adoption Date: 22 April 2003
Grapeview School District

# Contracts

A. **Certificated Staff Contracts**
Upon recommendation of the superintendent and approval by a majority of the board of directors, the district will offer 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-replacement 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-replacement 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 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 term 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 assessments approved by the paraeducator 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 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 determines the compensation paid to a consultant, considering 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.

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| Cross References: | 5280 – Separation from Employment |
| Legal References: | RCW 28A.330.100 Additional powers of the board<br>RCW 28A.400.010 Employment of superintendent—Superintendent's qualifications, general powers, term, contract renewal<br>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<br>RCW 28A.400.315 Employment contracts<br>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<br>RCW 28A.405.220 Conditions and contracts of employment — Nonrenewal of provisional employees — Notice – Procedure<br>RCW 28A.405.240 Conditions and contracts of employment – Supplemental contracts, when — Continuing contract provisions not applicable to<br>RCW 28A.405.900 Certain certificated employees exempt from chapter provisions<br>RCW 28A.413.040 Minimum employment requirements<br>20 U.S.C. § 6319 Qualifications for teachers and paraprofessionals |
| Management Resources: | 2023 – July Issue<br>2010 - October Issue<br>Policy News, August 2003 No Child Left Behind Update<br>Policy News, August 2001 Legislature Authorizes "Retire-Rehire" |

Adoption Date: June 2011
Classification: **Essential**
Revised Dates: **04.17; 01.24**

# Civility

The Board recognizes the diversity of students, staff, parents, and community members of our school district and acknowledges the importance of fostering an atmosphere that supports a culturally responsive learning environment and dignified workplace, while striving for political neutrality.

The Board expects administrators, staff, students, board directors, volunteers, parents, and other community members to contribute to a clear expectation of civil and polite conduct. Implementation of this policy will provide for problem-solving in a civil manner throughout the District. The District is committed to drawing strength from our differences and building upon our similarities to help:

- Promote a positive environment in which everyone is treated with dignity and respect
- Empower all people to reach their full potential
- Remove barriers of prejudice that infringe upon individual freedom, respect, and progress
- Eliminate discrimination and bullying in our schools and in all areas of school business
- Recognize the strength of diversity including that of thought and education
- Recruit, support, and retain a culturally and intellectually diverse workforce
- Strive to maintain a politically neutral environment

The Board will not condone uncivil conduct on school grounds or at school sponsored activities, whether by administrators, staff, students, board directors, parents, volunteers, or visitors.

Uncivil conduct does not include the expression of controversial or differing viewpoints, 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. Such expression shall not promote violence, hatred, or prejudice.

Generally, uncivil conduct is defined as behavior that would cause a reasonable individual to feel a sense of threat, cause undue stress, cause disturbances of good order, abridge the expectations and commitments cited in this policy, and/or constitute a violation of district or legal policy and regulations.

This policy seeks to promote a school culture of respect and civility. The District has policies against discrimination, harassment, and sexual harassment. Nothing in this policy is intended to interfere with the ability of school officials to maintain order and discipline in the schools or to enforce school rules and applicable laws, or to interfere with the right and obligation of students, staff, and others, to bring violations of District policies to the attention of administrators.

When possible and appropriate, individuals who perceive they have witnessed or been subjected to uncivil conduct should address their concerns through simple,

direct, or mediated communication with the person(s) at the source of the concern. When this is not possible or appropriate, they should seek assistance from their administrator, or Superintendent. Individuals are encouraged to strive to work out issues promptly after an incident occurs. Retaliation will not be tolerated against individuals for working in good faith under this policy.

The Superintendent and administration will ensure and be responsible for the integration of the purpose and intent of this policy into all aspects of the District.

Adoption Date: 28 February 2018
Classification: **Discretionary**
Revised Dates:

# 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 serve.

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; and off District 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) and anabolic steroids.

B. Using, possessing, transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and 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) and anabolic steroids, 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, including marijuana (cannabis) and anabolic steroids.

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 human resources, 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 granting agency 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 it the District deems appropriate.

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| Cross References: | 5280 - Separation from Employment |
| | 4215 - Use of Tobacco, Nicotine Products and Delivery Devices |
| 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. 8103 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 – 21st Century Schools] |
| Management Resources: | 2019 – July Policy Issue |
| | 2015 - December Issue |
| | 2013 - February Issue |
| | 2011 - December Issue |
| | Policy News, February 1999 Bus drivers still tested for marijuana |

Adoption Date: 22 April 2003
Classification: **Essential**
Revised Dates: **04.17;10.19**

# Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program

The superintendent/designee will establish programs and procedures as mandated by the Federal Motor Carrier Safety Administration (FMCSA) controlled substances, including marijuana (cannabis), and alcohol testing rules.

**Prohibited Alcohol and Controlled Substance-Related Conduct**
The following alcohol and controlled substance-related activities are prohibited by the district for drivers required to possess a commercial driver's license (CDL) as part of their job responsibilities:

A. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the FMCSA.

B. Being on duty or operating a vehicle while the driver possesses alcohol or controlled substances in any amount.

C. Using alcohol while performing safety-sensitive functions.

D. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

E. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.

F. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a prescribing authority who has advised the driver and the district in writing that the substance does not adversely affect the driver's ability to safely operate a vehicle. Drivers are required to inform the district of any therapeutic drug use upon it being prescribed, although the specific medication that has been prescribed does not have to be provided. The use of any medication that could affect a driver's safe job performance is prohibited while working.

G. Reporting for duty, remaining on duty or driving if the driver tests positive or would test positive for controlled substances.

**Testing Requirements**: The following identify the occasions on which a driver shall be subject to alcohol or controlled substances testing, the superintendent is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with the federal rules.

A. Pre-employment testing: Prior to the first time a driver performs a safety-sensitive function for the district, the driver shall undergo testing for controlled substances. This testing requirement may be waived under FHWA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.

B. Post-accident testing: Each surviving driver of an accident, as defined by the FHWA, shall be tested for alcohol and controlled substances.

C. Random testing: Annual the State of Washington will randomly select bus drivers from each region according to FHWA guidelines.

D. Reasonable suspicion testing: A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.

E. Return-to-duty testing: If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver shall be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver shall first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation proscribed. Before a driver could be returned to performing safety-sensitive functions for the district following a violation of this policy and/or the federal regulations, the driver shall undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below the standard set by the FHWA or a negative controlled substances test.

F. Follow-up testing: Any driver that continues performing safety-sensitive functions for the district, following a determination that the driver requires assistance in resolving problems associated with alcohol misuse and/or the use of controlled substances, shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a SAP. Follow-up alcohol testing shall be conducted only just prior to, during or immediately after the driver performs safety-sensitive functions.

G. Record Retention and Reporting: The superintendent is responsible for developing procedures for securely retaining records collected under this policy with controlled access and for the time periods established by the federal regulations. The superintendent is also responsible for developing procedures for reporting data collected under this policy as required by the federal regulations.

**Education, Training and Referral Services**: The superintendent shall adopt educational materials that explain the requirements of this policy and the federal program. The educational materials shall be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver after receiving a copy of the materials, shall sign a certificate of receipt and the district shall maintain the original of the receipt. The collective bargaining representative of the drivers, if any, shall be notified of the availability of this information. The educational materials shall include:

A. A copy of this policy and subsequent procedures;

B. The name of the person designated to answer questions about the materials;

C. The categories of employees covered by the policy;

D. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy;

H. A specific description of conduct prohibited by this policy and the federal program;

I. The circumstances under which a driver is subject to testing;

J. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

K. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the

consequences of refusal;

L. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions;
M. The consequences for drivers found to have alcohol concentrations between 0.02 and 0.04; and

N. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.

Supervisors designated to determine if reasonable suspicion exists that a driver is under the influence of alcohol or controlled substances must have at least sixty minutes of training on alcohol misuse and at least sixty minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The employed driver who violates this policy or the federal regulations shall be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility (other policies may apply).

No supervisor having actual knowledge of the above violations will permit a driver to perform or continue to perform safety-sensitive functions.

Violations of this policy will result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge.

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|---|---|
| Cross References: | 5281 - Disciplinary Action and Discharge<br>5201 - Drug-Free Schools, Community, and Workplace |
| Legal References: | 49 CFR 40 Procedures for transportation workplace drug and alcohol testing programs<br>49 CFR 382 Controlled substances and alcohol use and testing |
| Management Resources: | 2015 - October Policy Issue<br>2012 - April Issue<br>Policy News, December 2001 Federal Government Amends Bus Driver Drug Testing Rules<br>Policy News, February 1999 Bus drivers still tested for marijuana |

Adoption Date: 26 August 2003
Classification: **Encouraged**
Revised Dates: **10.20**

# Procedure - Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program

**Testing Requirements**
The superintendent or designee is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with federal rules. The following identify the occasions on which a CDL driver will be subject to alcohol or controlled substances testing.

1. **Pre-employment testing:** Prior to the first time a driver performs a safety-sensitive function for the district, the driver will undergo testing for controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.
2. **Post-accident testing:** Each surviving driver of an accident, as defined by the FMCSA, will be tested for alcohol and controlled substances.
3. **Random testing:** Annually the district will arrange for the unannounced random alcohol and controlled substances testing of its drivers. Fifty percent (50%) of the district's drivers must be randomly selected for controlled substances testing each year, and ten percent (10%) of its drivers for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program will take place just prior to, during, or immediately after the driver engages in a safety-sensitive function for the district.
4. **Reasonable suspicion testing:** A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.
5. **Return-to-duty testing:** If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver will be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. SAPs must require education and/or treatment in all such cases. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver will first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation prescribed. Before a driver could be returned to performing safety-sensitive functions for the district following a violation of this policy and/or the federal regulations, the driver will undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below 0.02 alcohol concentration and/or a negative controlled substances test. The District retains the right to solely determine whether an employee who has violated this policy will be returned to performing safety-sensitive functions.
6. **Follow-up testing:** Any driver who continues performing safety-sensitive functions for the district, following a determination of the alcohol or controlled substances prohibited conduct, will be subject to a follow-up testing.

**Record Retention And Reporting**
Records collected under this policy will be secured and retained with controlled access and for the time periods established by the federal regulations. The data collected under this policy will be reported as required by the federal regulations.

**Education, Training, And Referral Services**

Educational materials that explain the requirements of this policy and the federal program will be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver, after receiving a copy of the materials, will sign a certificate of receipt and the district will maintain the original of the receipt. The collective bargaining representative of the drivers, if any, will be notified of the availability of this information. The educational materials will include:

1. A copy of this procedure and the accompanying policy;
2. The name of the person designated to answer questions about the materials;
3. The categories of employees covered by the policy;
4. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy;
5. A specific description of conduct prohibited by this policy and the federal program;
6. The circumstances under which a driver is subject to testing;
7. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
8. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the consequences of refusal;
9. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions;
10. The consequences for drivers found to have alcohol concentrations between 0.02 and 0.04; and
11. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.
12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver’s License and Alcohol Clearinghouse:

    a. A verified positive, adulterated, or substituted drug test result;

    b. An alcohol confirmation test with a concentration of 0.04 or higher;

    c. A refusal to submit to any required test under this procedure;

    d. An employer’s report of actual knowledge of on-duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use;

    e. A SAP report of the successful completion of the return-to-duty process;

    f. A negative return-to-duty test; and

    g. An employer’s report of completion of follow-up testing.

Supervisors designated to determine if reasonable suspicion exists that a driver is under the influence of alcohol or controlled substances must have at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The employed driver who violates this policy or the federal regulations will be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility (other policies may apply).

**Definitions:**

Accident, for purposes of this policy, is as an incident involving an employee whose job responsibilities require a commercial driver's license (CDL) in which there is either a fatality or the employee received a citation under state or local law for a moving traffic violation arising from the accident.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (EBT).

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) is an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of 26,001 or more pounds; or
2) has a gross vehicle weight rating of 26,001 or more pounds; or
3) is designed to transport sixteen or more passengers, including the driver; or
4) is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation Test for alcohol testing means a second test, following a screening test that had a result of 0.02 or greater, which provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite; the confirmation test must be independent of the screen test and use a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Driver means any person who is required as part of his or her job responsibilities to possess a valid CDL. For the purpose of pre-employment testing/pre-duty testing only, the term driver includes a prospective employee for a position which requires a valid CDL.

Evidential Breath Testing Device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol concentration and placed on NHTSA's "Conforming Products List of Evidential Breath Testing Devices" (CPL).

Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Reasonable Suspicion is the belief that the driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

Refusal to Submit (to an alcohol or controlled substance test) occurs when a driver:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing;

2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or

3. Engages in conduct that clearly obstructs the testing process.

4. Consumes alcohol within eight hours after a defined accident or before being tested, whichever occurs first.

Safety-Sensitive Function, a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. For school districts the typical safety-sensitive function is operating a school bus or other commercial vehicle; it also includes all time repairing, obtaining assistance, or remaining in attendance with a disabled vehicle by employees required to have a CDL as part of their employment.

Screening Test (initial test), in alcohol testing it means an analytical procedure to determine whether a driver may have prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

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

**Testing Circumstances, Pre-employment Testing:**

1. Controlled substance testing is required prior to the first time a driver performs a safety-sensitive function for the district. This includes:

    a. testing prospective employees who have been offered employment in positions requiring possession of a valid CDL; and

    b. testing current employees reassigned to positions requiring a valid CDL.

2. No newly hired or transferred driver shall perform safety-sensitive functions unless the employer has received a controlled substances test result from a medical review officer indicating a verified negative test result.

3. The district shall post in the employment office a statement that drug testing is a part of the district's employment process and that satisfactory completion of such a test is a condition of employment.

    a. The notice will be included as part of the application packet.

    b. Individuals transferred to positions which may require drug testing will be notified in writing prior to the transfer.

4. Candidates and district transfers selected for positions requiring drug testing will be offered the position pending a negative drug screening. This offer may be made verbally and shall be confirmed in writing. The supervisor will inform the prospective driver of the requirement to report for testing within 24 hours and the consequences for failure to do so.

5. The MRO or designee will provide verbal communication to the Superintendent or designee within 48 hours of confirmed negative drug test results. The MRO will notify the district designee immediately upon verification of positive test results. The MRO or designee will provide written test results to the district within three days of verbal notification.

6. Upon receipt of a negative drug test, the prospective driver may commence safety-sensitive functions.

7. Upon receipt of a positive drug test result, the prospective employee will be notified that he or she will no longer be considered for employment with the district. Potential transfer drivers with positive drug test results will not be permitted to transfer to a position requiring a CDL. Whether or not they continue in their present assignments with the district, are transferred to positions not requiring a CDL (with or without discipline) or are discharged will depend on the

individual circumstances and the application of other policies, laws and the collective bargaining agreement, if any. The district will provide the former applicant or potential transfer with a written list of the resources available for evaluating and resolving problems associated with the use of controlled substances.

8. The district shall notify a prospective driver of the results of a pre-employment controlled substance test conducted under this policy and procedure if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.

9. These provisions will apply to employees not being transferred, but performing safety-sensitive functions for the first time in a position.

10. Test Results and Consequences: Notification from the MRO of a positive controlled substance test result will be dealt with as indicated in paragraph 8 of this section.

11. Exceptions to Pre-employment Test Requirements

    a. The district is not required to administer a pre-employment controlled substance test if the following conditions are met:

        1. the driver has participated in a drug testing program in the previous 30 days; and

        2. while participating in that program the driver must have either been tested for controlled substances in the previous six months, or participated in a random drug testing program for the previous 12 months; and

        3. The district ensures that no prior employer of the driver has record of violations of any DOT controlled substance use rule for the driver in the previous 6 months.

    b. In order to exercise the exception listed above, the district must first contact the controlled substance testing program(s) in which the driver has participated and obtain the following information before the prospective employee is permitted to perform safety-sensitive functions:

        1. The name(s) and address(s) of the program(s). This would generally be the driver's prior and/or current employer(s).

        2. Verification that the driver participates or participated in the program.

        3. Verification that the program conforms to the required procedures set forth in the DOT rules.

        4. Verification that the driver has not refused to submit to controlled substance test.

        5. The date the driver was last tested for controlled substances.

        6. The results of any drug tests administered in the previous six months and any violations of the controlled substance rules.

12. Obtaining Alcohol and Controlled Substances Test Information from Previous Employers:

    a. The district may obtain from any previous employer of a prospective driver, provided the driver has given his or his written consent, any information concerning the driver's participation in a controlled substances and alcohol testing program. Failure by a prospective driver to provide the district with a release for information that the district is required by federal rules to review will result in any prospective offers of employment being withdrawn.

    b. The district must obtain and review the information listed below from any employer the driver performed safety-sensitive functions for in the previous two years. The information

must be obtained and reviewed no later than 14 days after the first time a driver performs safety-sensitive functions. The information obtained must include:

1. Information on the driver's alcohol tests in which a breath alcohol concentration of 0.04 or greater was indicated.

2. Information on the driver's controlled substances tests in which a positive result was indicated.

3. Any refusal to submit to a required alcohol or controlled substance test.

If the driver stops performing safety-sensitive functions for the employer before expiration of the 14 day period or before the district has obtained the information listed above, the district must still obtain the information. For example, if a driver quits after one week of employment and the information has not been obtained, the employer must still obtain the information.

c. The district must provide to each of the driver's previous employers of the past two years a written authorization from the driver for release of the required information. The release of information may take the form of personal interviews, telephone interviews, letters, or any other method that ensures confidentiality. The district must maintain a written, confidential record with respect to each past employer contacted.

d. The district may not use a driver to perform safety-sensitive functions if the employer obtains information indicating the driver has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused a test, unless the employer has evidence the driver has been evaluated by a SAP, completed any required treatment, passed a return to duty test, and been subject to follow-up testing.

**Testing Circumstances, Random Testing:**
The district will participate in the ESD's testing consortium.

1. Random Alcohol Testing: Twenty-five percent (25%) of the drivers employed by participating districts in the consortium will be randomly selected for alcohol testing annually. (The Federal Highway Administration (FHWA) may adjust the percentage required for annual random testing.) Drivers shall only be tested for alcohol while they are performing safety-sensitive functions, immediately prior to performing or immediately after performing safety-sensitive functions. (Example: a transportation supervisor may be in the random selection pool because he or she is required to be on-call to drive and to have a CDL. If the transportation supervisor's name is selected for testing and the individual is not on duty to drive that shift, the individual would not be tested. Document the reason for not testing and proceed to another selection.)

2. Random Controlled Substance Testing: The consortium will annually administer substance abuse tests to a minimum of 50% of the drivers employed by districts participating in the consortium, randomly selected. (The FHWA may adjust the percentage required for annual random testing.)

3. Process
   a. The consortium will ensure that random alcohol and substance abuse tests are unannounced and dates for administering the random tests are spread reasonably through the calendar year.

   b. The selection of drivers for random alcohol and controlled substance testing shall be made by a scientifically valid method. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

   c. The district shall ensure that drivers selected for random alcohol and substance abuse tests proceed immediately to the testing site upon notification of being selected, unless the driver is performing a safety-sensitive function, in which case the driver will cease performing and proceed to testing as soon as possible.

   d. In the event a driver who is selected for a random alcohol and/or substance abuse test is

absent, the district may select another driver for testing or keep the original selection confidential until the driver returns, if the driver is expected to be available for testing during the current designated testing period.

4. Test Results and Consequences:
   a. Alcohol Tests

      1. Results of alcohol concentration less than 0.02 will be reported to district designee as negative and driver is clear to perform safety-sensitive job functions.

      2. If the results of the driver's alcohol test indicate a blood alcohol concentration of 0.02 or greater, but less than 0.04, the driver shall not be permitted to drive until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. Other policies or the collective bargaining agreement, if any, may prescribe discipline or other actions for blood alcohol concentrations between 0.02 and 0.04, especially multiple violations.

3. Results of alcohol concentration of 0.04 or greater or refusal to be tested:
   a. The employee will be removed from performing safety-sensitive functions and terminated from employment with the district.

   b. The employee will be provided with a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.

   c. Drug Tests

      1. MRO will notify the district of all controlled substance test results.

      2. The district shall notify drivers of the results of random tests for controlled substances conducted under this policy and procedure. If the test results are verified positive, the district shall inform the driver which controlled substance or substances were verified as positive.

      3. The district shall remove from safety-sensitive functions and terminate the employment of the driver upon receiving test results which are verified positive.

      4. The driver will be provided with a written list of resources available for evaluating and resolving problems associated with the use of alcohol and the misuse of controlled substances.

**<u>Testing Circumstances, Reasonable Suspicion:</u>**
The district shall require a driver to submit to an alcohol or controlled substance test when the district has reasonable suspicion to believe the driver has violated the alcohol or controlled substances prohibitions of the district's policy and procedure.

1. Supervisor Training: the required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or district official who is trained in accordance with the following requirements:

   a. The district must ensure persons designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or controlled substances testing receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use.

   b. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

2. Only one supervisor is required to make a reasonable suspicion determination before an alcohol or drug test can be required

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3. Reasonable Suspicion Alcohol Testing

**Note:** the mere possession of alcohol does not constitute a need for reasonable suspicion testing, which must be based on observations concerning the driver's appearance, behavior, speech or body odor. However, possessing alcohol while on duty or operating a commercial vehicle is a violation of this policy which must result in removal from performance of safety-sensitive functions and may result in discipline, up to and including discharge.

a. Reasonable suspicion alcohol testing is authorized only if the observations are made during, just before, or just after the period of the workday the driver is required to be in compliance.

b. The district's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

c. The supervisor who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test.

d. If a reasonable suspicion alcohol test is not administered within two hours following the observations, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight hours, the district shall cease attempts to administer the test and shall prepare and maintain the record listed above.

e. If reasonable suspicion exists, the district shall not permit the driver to perform or continue to perform safety-sensitive functions at least until:

1. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

2. Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions of the policy concerning alcohol misuse.

f. Except as provided above, the district shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. Action will be taken if a positive alcohol test result is obtained.

g. A written record shall be made of the observations leading to an alcohol test, signed by the supervisor or district official who made the observations.

4. Reasonable Suspicion Controlled Substances Testing

a. The district's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

b. The district will remove the driver from safety-sensitive functions at least until the verified test results are reported.

c. A written record shall be made of the observations leading to a controlled substances test, and signed by the supervisor or district official who made the observations within 24 hours of the observations or before the results of the test are released, whichever is earlier.

5. Test Results and Consequences:

a. Alcohol Tests

1. Results of alcohol concentration less than 0.02 will be reported to the superintendent as negative and driver is clear to perform safety-sensitive job functions.

2. If the results of the driver's alcohol test indicate a blood alcohol concentration of 0.02 or greater, but less than 0.04, the driver shall not be permitted to drive until the start

of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. Other policies or the collective bargaining agreement, if any, may prescribe discipline or other actions for blood alcohol concentrations between 0.02 and 0.04, especially multiple violations.

3. Results of alcohol concentration of 0.04 or greater or refusal to be tested:

   a. The employee will be removed from safety-sensitive functions and terminated from employment with the district.

   b. The employee will be provided with a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.

b. Drug Tests

1. The district shall notify a driver of the results of reasonable suspicion testing for controlled substances conducted under this policy and procedure if the test results are verified positive. The district shall also inform the driver which controlled substance or substances were verified as positive.

2. A negative test result clears the driver to return to performing safety-sensitive functions.

3. The district shall remove from safety-sensitive functions and terminate the employment of the driver upon receiving test results which are verified positive.

4. The employee will be provided with a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.

**Testing Circumstances, Post-Accident Testing:**
All employees required to possess a CDL and perform safety-sensitive functions as part of their job responsibilities will be provided with necessary post-accident information, procedures, and instructions prior to commencing job responsibilities.

1. Driver's Responsibility: As soon as practicable following an accident as defined in this procedure, the driver shall make every attempt to contact his/her supervisor or a district representative.

   a. The driver will be given instructions for obtaining alcohol and substance abuse testing.

   b. A driver who is subject to post-accident testing must remain available for testing, or the district may consider the driver to have refused to submit to testing.

   c. The driver subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he or she submits to an alcohol test, whichever comes first.

2. District Responsibility

   a. Upon receiving a report of an accident, the district shall test the driver (if surviving) for alcohol and controlled substances as soon as practicable.

   b. The district representative will instruct the driver in obtaining the required drug and alcohol tests.

   c. The district will determine if the driver will be placed on paid leave pending the results of the drug test.

3. Post-Accident Alcohol Testing

   a. The driver who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to the testing.

b. If the test is not administered within two hours following the accident, the district shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the test is not administered within eight hours following the accident, the district shall cease attempts to administer the test. The district shall prepare and maintain on file a record stating the reasons the test was not administered.

4. Post-Accident Controlled Substance Testing: The district must test the driver for controlled substances within 32 hours following an accident. If the district cannot administer the test within 32 hours following an accident, attempts to administer the test shall cease. The district shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

   Nothing in this procedure should be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

5. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by federal, state and/or local officials having independent authority to conduct the test shall be considered to meet the requirements of this procedure, if the results are released to the district.

6. Post-Accident Test Results and Consequences
   a. Alcohol Testing

      1. Drivers receiving a post-accident alcohol test result of an alcohol concentration level of less than 0.02 are not in violation of the DOT alcohol misuse rule, but may be subject to other laws, district policies or practices and collective bargaining agreement provisions, if any.

      2. Drivers receiving a post-accident alcohol test and found to have an alcohol concentration level of 0.02 or greater, but less than 0.04 will be removed from duty without pay for no less than 24 hours. The district may follow disciplinary processes per district policy and procedures, and apply other applicable laws, district policies or practices and collective bargaining provisions, if any.

      3. Drivers receiving a post-accident alcohol test and found to have an alcohol concentration level of 0.04 or greater will be removed from performing safety-sensitive functions and are subject to immediate termination of employment. The district will provide the driver with a written list of the resources available for evaluating and resolving problems associated with the misuse of alcohol.

   b. Drug Testing

      1. Upon receipt of a negative test result for controlled substances, the district will immediately notify the driver and return the driver to active duty, unless other laws, district policies or practices or collective bargaining agreement provisions, if any, apply.

      2. The district shall notify a driver of the results of post-accident tests for controlled substances conducted under this policy and procedure if the test results are verified positive. The district shall also inform the driver which controlled substance or substances were verified as positive.

      3. The district shall remove the driver from safety-sensitive functions and terminate the employment of the driver upon receiving test results which are verified positive. The district will provide the driver with a written list of the resources available for evaluating and resolving problems associated with the use of controlled substances.

**<u>Testing Circumstances, Return-to-Duty and Follow-up Testing:</u>**

If for any reason the district continues to employ a driver who has refused to submit to a required test, has tested positive for alcohol or drugs or has otherwise violated this policy, the district must require return-to-duty and follow-up testing before the driver is returned to or maintained in the performance of safety-sensitive functions.

1. Return to Duty Testing:
   a. The district shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol misuse, the driver shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02.

   b. The district shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding controlled substance use, the driver shall undergo a return to duty controlled substances test with a result indicating a verified negative result for controlled substances use.

2. The driver must also be evaluated by a SAP and participate in any assistance program prescribed. The district must obtain a written assurance from the SAP that the employee is fit to return to duty.

3. The testing must be conducted at a facility designated by the district.

4. Follow-up Testing:

   a. Following a determination by a SAP that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the district shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP.

   b. Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

**<u>Other Violations of Policy:</u>**

1. The following misconduct is also a violation of this policy, equal in consequences to a positive drug or alcohol test result:

   a. Being on duty or operating a vehicle while the driver possesses alcohol.

   b. Using alcohol while performing safety-sensitive functions.

   c. Using alcohol within eight hours of an accident or before undergoing a post-accident alcohol test, whichever comes first.

   d. Refusing to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

   e. Using alcohol or being under the influence of alcohol within four hours of going on duty, operating or having physical control of a commercial vehicle.

   f. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the district that the substance does not adversely affect the driver's ability to safely operate a vehicle. Drivers are required to inform the district of any therapeutic drug use.

2. Consequences

   a. The driver shall be removed from performing safety-sensitive functions and terminated.

   b. If for any reason the district continues to employ a driver who has committed any of these offenses, the district must require return-to-duty and follow-up testing before the driver is returned to or maintained in the performance of safety-sensitive functions.

**Alcohol Testing Procedures:**
The district participates in the ESD testing consortium.

1. Alcohol tests will be administered by trained BATs utilizing EBT devices. The EBT shall have a quality assurance plan developed by the manufacturer.

2. Alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results.

    a. All necessary equipment, personnel and materials for breath testing shall be provided at the location where testing is conducted.

    b. In unusual circumstances (e.g. when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements in a. and b. above.

3. The individual being tested will be required to provide the BAT positive identification such as a photo ID card or identification by an employer representative. The employee may request the BAT to provide positive identification.

4. The BAT shall explain the testing procedure to the individual and the individual shall be required to sign the Breath Alcohol Testing Form. Failure to do so constitutes a refusal to be tested.

5. Alcohol Test Results

    a. The BAT shall show the individual the test results.

    b. If the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT and the individual being tested shall sign the certification form. The BAT shall transmit the result of less than 0.02 to the district in a confidential manner promptly after the test administration.

    c. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be conducted not less than fifteen nor more than 20 minutes after the completion of the screening test.

        1. The BAT will explain the procedures for the confirmation test.

        2. The BAT shall show the individual the confirmation test results.

        3. The BAT and the individual shall sign the test certification form. If the individual does not sign the certification form, it is not considered a refusal to be tested. The BAT shall note the individual's failure to sign on the certification form.

        4. The BAT shall immediately transmit the results of the test to the designated district representative.

            a. The district will verify the identity of the BAT providing the information.

            b. The BAT shall follow the initial transmission by providing to the district the employer's copy of the breath alcohol testing form.

6. Refusal to test and uncompleted tests:
    a. Refusal by an employee to complete and initially sign the breath alcohol testing form, to provide an adequate amount of breath or otherwise cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT on the certification form. The testing process shall be terminated and the BAT shall immediately notify the district.

b. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form.

7. If an individual being tested attempts and fails to provide an adequate amount of breath, the district shall direct the individual to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the district concerning the employee's medical ability to provide an adequate amount of breath.

   If the physician determines a medical condition could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. If the physician is unable to make the determination that a medical condition has, or with a high degree of probability could have, prevented the employee from providing an adequate amount of breath, the employee's conduct will be considered a refusal to take the test. The physician shall provide the district a written statement of the basis for his or her conclusion to the employer.

8. An invalid test shall be deemed negative.

**Drug Testing Procedures:**
The district participates in the ESD testing consortium.

1. The district/consortium will test for marijuana, cocaine, opiates, amphetamines, and phencyclidine using the split sample method of urine collection. Under split sample procedures, a driver, whose urine sample has tested positive for a controlled substance, has the option (within 72 hours of being notified by the MRO) of having the other portion of the split sample tested at another laboratory. If the second portion of the sample also tests positive, then the driver is subject to sanctions provided in this policy. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions are imposed.

2. The consortium's designated drug testing laboratory shall have a quality assurance program which encompasses all aspects of the testing process including but not limited to specimen acquisition, chain of custody security and reporting of results, initial and confirmatory testing and validation of analytical procedures. Quality assurance procedures shall be designed, implemented and reviewed to monitor the conduct of each step of the process of testing for drugs.

3. The district/consortium shall have one or more designated collection sites or independent medical facilities which have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory.

4. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

5. The collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected.

6. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing. If the individual requests, the collection site person shall show his/her identification to the employee.

7. If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate district representative to obtain guidance on the action to be taken.

8. The collection site person shall explain the collection process to the individual. The collection site person shall instruct the individual to provide at least 45 ml of urine under the split sample method of collection.

9. Drug Testing Results

    a. The laboratory shall report test results to the district's designated MRO within an average of 5 working days after receipt of the specimen by the laboratory. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test.

    b. The MRO shall report to the district whether the test is positive or negative, and may report the drug(s) for which there was a positive test.

10. Positive Drug Test Results

    a. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual the opportunity to discuss the test result with him or her.

        1. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test results.

        2. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated district management official who shall direct the individual to contact the MRO as soon as possible.

        3. If, after making all reasonable efforts, the designated management official is unable to contact the employee, the district may place the employee on unpaid leave until the employee is contacted.

    b. If an employee is notified of a positive test by the MRO, the individual may request that the MRO direct that the split specimen be tested in a different federal Department of Health and Human Services certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.

        1. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.

        2. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.

        3. The employee will be placed on unpaid leave of absence pending the results of the test of the split specimen.

    c. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the district, and the employee. The district will return the employee to active duty and pay for the period of the leave.

    d. The MRO may verify a test as positive without having communicated directly with the employee in the following circumstances:

        1. The employee expressly declines the opportunity to discuss the test; or

        2. The district has contacted the employee and instructed the employee to contact the MRO and more than five days have passed since the date the employee was contacted.

    e. Following verification of a positive test result, the MRO shall refer the case to the designated district official empowered to recommend or take administrative action, or both.

**Referral, Evaluation and Treatment:**

When a driver receives a positive alcohol or controlled substances test under this policy or violates the other prohibitions of this policy, the district will provide the driver with information regarding the resources available to the driver for evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances. The district is not required to provide any of these services under this policy. Other district policies and provisions in the collective bargaining

agreement, if any, may have application to the provision of services.

**Test Costs and Compensation:**
If the district collective bargaining agreement covers testing costs and driver compensation, those provisions take precedence over this procedure.

1. The district will pay for and compensate drivers for their time for the following alcohol and/or initial controlled substances tests: random, reasonable suspicion and post-accident.

2. Drivers will be responsible for taking the following alcohol and/or controlled substances tests on their own time and at their own cost: pre-employment (unless a current employee is being involuntarily transferred to a position requiring a CDL, in which case the district will compensate for the employee's time and pay for the test), return-to-duty, and follow-up.

3. If a driver's initial controlled substances test is positive and the driver requests that the split sample be tested, the second test will be at the employee's expense. If the confirming test is negative, the district will reimburse the employee for the cost of the split sample test.

**Record Retention and Confidentiality**
1. The district, the ESD drug and alcohol testing consortium, or the contractor shall maintain records of its alcohol misuse and controlled substances use prevention programs.

2. The records shall be maintained in a secure location with controlled access.

3. All records required in this procedure shall be made available for inspection at the district's principal place of business within two business days after a request has been made by an authorized representative of the FHWA.

4. The records will be maintained in accordance with the following schedule:

    a. Five Years

        1. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater

        2. Records of driver verified positive controlled substances test results

        3. Documentation of refusals to take required action

        4. Calibration documentation

        5. Driver evaluation and referrals

        6. A copy of each annual calendar year summary required by the Federal Highway Administration

    b. Two Years

        1. Records related to the alcohol and controlled substances collection process (except calibration of EBTs).

        2. Records of training

    c. One Year: Records of negative and canceled controlled substances test results and of alcohol test results with a concentration of less than 0.02.

5. Types of Records
    a. Records related to the collection process

        1. collection logbooks, if used

        2. documents relating to the random selection process

3. calibration documentation for EBTs

4. documentation of BAT training

5. documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests

6. documents generated in connection with decisions to administer post-accident tests

7. documents verifying the existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing

8. consolidated annual calendar year summaries as required by the FHWA.

b. Records related to a driver's test results:

1. the employer's copy of the alcohol test form, including the results of the test

2. the employer's copy of the controlled substances test chain of custody and control form

3. documents sent by the medical review officer to the employer.

4. documents related to the refusal of any driver to submit to an alcohol or controlled substances test administered under this policy and procedure.

c. Records related to other violations of this policy and procedure.

d. Records related to evaluations:

1. Records pertaining to a determination by a SAP concerning a driver's need for assistance.

2. Records concerning a driver's compliance with recommendations of the substance abuse professional.

e. Records related to education and training:

1. Materials on alcohol misuse and controlled substance use awareness, including a copy of the district's policy on alcohol misuse and controlled substance use.

2. Documentation of compliance with the requirements of the DOT requiring the district's obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

3. Records of the driver's signed receipt of education materials.

4. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion.

5. Certification that supervisor training complies with DOT requirements.

f. Records relating to drug testing:

1. Agreements with collection site facilities, laboratories, medical review officers, and consortia.

2. Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s).

3. Monthly laboratory statistical summaries of urinalysis required by DOT regulations.

4. The district's drug testing policy and procedures.

6. Reporting of Results in a Management Information System

a. The district or the consortium shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed under DOT regulations.

b. By March 15 of each year, the annual summary covering the previous calendar year will be completed.

c. If the district is notified, during the month of January, of a request by the FHWA to report the district's annual calendar year summary information, the district shall prepare and submit the report to the FHWA by March 15 of that year.

7. Access to Records

a. Except as required by law or expressly authorized or required in this section, the district shall not release driver information that is contained in records required to be maintained under these procedures.

b. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.

1. Upon written request, the district shall promptly provide the records requested by the driver.

2. The district representative shall document the written request and obtain a written verification the records were received by the driver.

c. The district shall permit access to all facilities utilized in complying with the requirements of this policy and procedures and all related records to the Secretary of Transportation, any DOT agency, or any state of local officials with regulatory authority over the district or any of its drivers.

d. Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Release of such information by the employer receiving the information is permitted only in accordance with the terms of the employee's consent.

e. The district shall release information regarding a driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

Management Resources: 2015 - October Policy Issue
2020 - May Issue

Adoption Date: 26 August 2003
Classification: **Encouraged**
Revised Dates: **09.20**

1. Voluntary Transfer

Vacancies shall be posted in the main office. The district shall provide an opportunity for a staff member to apply for a transfer to another position in accordance with the negotiated collective bargaining agreement.

2. Involuntary Transfers or Reassignments

Notice of an involuntary transfer or reassignment shall be given the certificated staff member as soon as practical in accordance with the negotiated collective bargaining agreement. Except in an emergency, such notice shall be given by the last regularly scheduled day of school.

Cross Reference:

| | |
|---|---|
| Policy 5021 | Applicability of Personnel Policies |

Legal References:

| | |
|---|---|
| RCW 28A.150.230 | Basic Education Act of 1977--District school directors as accountable for proper operation of district--Scope--Responsibilities--Publication of guide |
| RCW 28A.405.230 | Conditions and contracts of employment--Transfer of administrator to subordinate certificated position--Procedure |
| RCW 42.23.030 | Interest in contracts prohibited--Excepted cases |
| RCW 42.23.040 | Remote interests |
| WAC 180-16-220 | Supplemental Program Requirements |

Adoption Date: 22 April 2003
Grapeview School District

## 5221 PART-TIME STAFF

Depending upon the needs of the district, part-time staff shall be hired. The superintendent shall be responsible for recommending to the board the number of part-time positions required, if any, and nominees to fill such positions.

Wages and benefits, including but not limited to, sick leave and premiums paid by the district for medical and dental insurance, shall be pro-rated according to the percentage of the regular work week worked by each part-time staff member.

Part-time staff shall receive educational experience credits at the rates established in Chapter 392-121 WAC. If the part-time staff moves to a full-time position, the part-time service will be converted to full-time, full-year experience for salary schedule purposes. When the teaching experience is compiled, the total years of service shall be determined in accordance with state reporting requirements, the S-275 Report. Part-time staff shall be entitled to credit on the salary schedule for any educational increments earned.

Legal References:

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|---|---|
| WAC 392-121-215 | Definition--Full-time equivalent (FTE) basic education certificates instructional staff. |
| WAC 392-121-245 | Definition--certificated years of experience. |
| WAC 392-121-270 | Placement of basic education certificated employees on leap salary allocation documents. |
| WAC 392-121-295 | Definition--District staff mix factor for basic education certificated instructional staff. |

Adoption Date: 22 April 2003
Grapeview School District

# 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 employees 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. 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, at the sole discretion of the District.

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: | 5005 - Employment Disclosures, Certification Requirements, Assurances and Approval<br>5000 - Recruitment and Selection of Staff |
| 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<br>RCW 28A.405.070 Job sharing |
| Management Resources: | 2015 - October Policy Issue |

Adoption Date: 26 August 2003
Classification: **Essential**
Revised Dates: **04.17**

## 5230 JOB DESCRIPTIONS/RESPONSIBILITIES

1. Duties of Classified and Certificated Staff

Staff are subject to the policies of the district, provisions of staff agreements in effect, state board of education regulations, state superintendent of public instruction regulations and other applicable state and federal law.

Employees shall be directly responsible to the principal for implementing the policies, instructions, rules and regulations of the principal, the superintendent and the board of directors. It shall be the duty of each employee to know the rules, policies and regulations of the school and the school district.

The superintendent shall be responsible for developing administrative procedures to assure that staff know what is expected of them and how these expectations may be achieved. Each staff member shall receive a job description that identifies the essential functions of the job and which shall also serve as a basis for evaluation. Job descriptions shall be reviewed annually and revised when appropriate.

2. Principals and Program Administration

The district shall hold the principal accountable for the proper and efficient conduct of classroom teaching in their schools which will meet the individual and collective needs of the particular students enrolled. Principals shall achieve and maintain standards of excellence in the instructional program so that each student exposed to this program derives the greatest academic and personal benefit from the learning experience. They have primary responsibility for the improvement of instruction in their programs. A major portion of the principal's time is to be spent with staff, including classroom observations, staff evaluations, departmental meetings, and a review of instructional materials and new and promising innovations in teaching. A principal must possess the knowledge and skill necessary to evaluate the performance of staff members in accordance with district evaluation procedures.

Cross References:

| | |
|---|---|
| Policy 5240 | Evaluation of Staff |

Legal References:

| | |
|---|---|
| RCW 28A.150.240 | Basic Education Act of 1977--Certificated teaching and administrative staff as accountable for classroom teaching--Scope--Responsibilities--Penalty |
| RCW 28A.400.100 | Principals and vice principals--Employment of--Qualifications--Duties |
| RCW 28A.400.110 | Principal to assure appropriate student discipline |
| RCW 28A.405 | Teachers--General Provisions |
| RCW 28A.405.100(2) | Minimum criteria for the evaluation of certificated employees, including administrators--Procedure--Scope--Penalty |
| RCW 28A.405.230 | Conditions and contracts of employment--Transfer of administrator to subordinate certificated position--Procedure |
| WAC 180-44 | Teacher's Duties |
| 42 USC 12101 - 12213 | Americans with Disabilities Act (ADA) |

Adoption Date: 22 April 2003
Grapeview School District

**5230P JOB DESCRIPTIONS/RESPONSIBILITIES PROCEDURES**

1. Certificated and Classified Staff Job Descriptions

Job descriptions are maintained in the district office. A job description shall be provided to each staff member at the time of employment, when the staff member assumes a new position and when a position is modified or at any time upon the request of the staff member. Each job description shall include the essential functions of the job.

When substantive changes in the assignment occur, the staff member and supervisor will list the tasks that comprise the job and determine the skills, personal characteristics, educational background and training necessary for the employee to perform successfully. In order to accomplish this task, the staff member and supervisor will be asked to:

A. Define the job. (What will or does the staff member do?)

B. Identify the essential functions of the job.

C. Arrange the duties in terms of the percentage of time spent.

D. Explain the nature and extent of the supervision and guidance that is rendered to others.

E. State how and to what extent the actions, recommendations and decisions of the staff member affect the organization or public.

F. Describe the supervision and guidance received in the performance of the assignment.

G. Describe the degree to which the staff member must be a self-starter, exercise judgment and create solutions to problems.

H. State the knowledge, skills and abilities required by the job.

I. Identify personal contacts and/or interactions other than with supervisors or subordinates.

When a position is being created or a large number of staff members occupy similar positions, the supervisor shall be responsible for developing a job description using the guidelines included in the preceding section. The supervisor will seek reactions from the staff members who presently occupy the position to verify the accuracy of the statements. Job descriptions shall be prepared with the following format:

Title of Position

Qualifications (minimum education, certification and other qualifications)

Reports to (title of immediate supervisor)

Supervises (if applicable, titles of those who are supervised directly)

Job Goal (the purpose of the job as it relates to the district)

Performance Responsibilities (itemized list of the tasks, duties and responsibility to fulfill job in all its dimensions)

Essential Functions of the Job

Terms of Employment (time, classification or placement on salary schedule)

Evaluation (reference to evaluation procedure criteria and form)

2. Principals and Program Administration

In conformance with state law, rules and regulations, principals shall be responsible for:

A. Implementing the district's prescribed curriculum and enforcing the procedures of the district, the state superintendent of public instruction and the state board of education, taking into due consideration individual differences among students, and maintaining and rendering appropriate records and reports.

B. Maintaining good order and discipline in school buildings and playgrounds at all times.

C. Holding students accountable for any disorderly conduct in school.

D. Requiring excuses from parents of minor students in all cases of absence, tardiness or early dismissal.

E. Giving careful attention to the maintenance of a safe and healthful atmosphere in the classroom, hallways and playground.

F. Giving careful attention to the safety of the student in the classroom and reporting any questionable or unsafe conditions.

G. Providing for the evaluation of each student's educational growth and development and making periodic reports to parents and other administrators.

H. Supervising and evaluating all staff which are assigned to the building.

I. Making recommendations to the superintendent regarding appointment, assignment, promotion, transfer, probation or dismissal of all staff assigned to their attendance area.

J. Submitting recommendations to the superintendent regarding the fiscal needs required to maintain and improve the instructional program for their attendance area.

K. Ensuring that the provisions of the collective bargaining agreement are followed.

L. Maintaining effective communications with student, parents and staff.

M. Monitoring the expenditure of all district and ASB funds.

N. Maintaining the equipment, facilities and grounds of the school plant.

Failure to carry out such requirements as set forth above shall constitute sufficient cause for discharge.

Implementation Date: 22 April 2003
Grapeview School District

## 5231 LENGTH OF WORK DAY

Each certificated staff member, full time shall have a fifty-minute duty free preparation period prior to the school day beginning and will stay 30 minutes after the student day ends including a 30-minute duty-free lunch period, unless there is a board approved schedule change.

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

A. Preparing for instruction of classes;

B. Consulting with students when necessary;

C. Consulting with parents when it is not possible for the parent to meet with the teacher during building hours;

D. Participating on curriculum development committees leading towards the improvement of the educational program;

E. Attending staff meetings including in-service training provided by the district in the area of teaching skills needing improvement;

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 shall 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. The regular work day shall include one 15 minute break for each four hours of work. A lunch period not to exceed one hour but no less than thirty minutes shall be scheduled but shall not be counted for pay purposes. The district shall 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. A staff member may accumulate up to 20 hours of compensating time. When the staff member reaches the 20-hour limit, he/she must either take compensating time off or receive pay for such excess hours.

Legal References:

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|---|---|
| 29 USC 201 - 216 | Fair Labor Standards Act |
| RCW 49.46.130 | Minimum rate of compensation for employment in excess of forty hour work week--Exceptions |
| RCW 49.46.120 | Chapter establishes minimum standards and is supplementary to other laws--more favorable standards unaffected |
| RCW 28A.405.140 | In-service training for teacher may be required after evaluation |
| WAC 180-44 | Teachers' responsibilities |
| WAC 296-128-550 | Regular rate of pay |
| WAC 296-128-560 | Compensating time off in lieu of overtime pay. |

Adoption Date: 26 August 2003
Grapeview School District

**5231P OVERTIME AND/OR COMPENSATORY TIME PROCEDURES**

To comply with the Fair Labor Standards Act and the laws and rules of the State of Washington, the following procedures shall 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 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. A staff member may elect to take compensating "time off" (straight time) in lieu of overtime pay. Compensating "time off" shall be at the rate of 1-1/2 times the overtime hours worked or the staff member may accumulate up to 20 hours of compensating time at which time the staff member must either take compensating "time off" or receive pay for such excess hours. Staff members shall not perform any work during lunch periods or before or after work hours regardless of the voluntary nature of their work. Staff members who violate this regulation are subject to disciplinary action.

C. Travel time: Travel time to a meeting is compensable if done in a private vehicle and when it is required by the district.

D. Meal periods: Staff members shall not perform any duties during the employee's meal period.

E. Non-working time: Time between shifts shall 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 daily arrival and departure time. U. S. Department of Labor posters must be posted at each site.

Implementation Date: 22 July 2003
Grapeview School District

# 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 will be evaluated at least once per 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 will be annually evaluated 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: | 5520 - Staff Development<br>5280 - Separation from Employment |
| Legal References: | RCW 28A.400.100 Principals and vice principals – Employment of—Qualifications—Duties.<br>RCW 28A.405.100Minimum criteria for the evaluation of certificated employees — Revised four-level evaluation systems for classroom teachers and for principals — Procedures — Steering committee — Models — Implementation — Reports<br>RCW 28A.405.220 Conditions and contracts of |

employment – Nonrenewal of provisional employees – Notice - Procedure

RCW 28A.405.300 Adverse change in contract status of certificated employee –Determination of probable cause –Notice—Opportunity for hearing

RCW 28A.405.110 Evaluations — Legislative findings

RCW 28A.405.120 Training for evaluators

RCW 28A.405.130 Training in evaluation procedures required

WAC 181-79A-140 Types of certificates

WAC 392-191A Professional Growth and Evaluation of School Personnel

SHB 1346 Nurses in Schools - Authority - Supervision

Management Resources:

2017 - July Issue

2015 - December Issue

2013 - April Issue

2013 - February Issue

Adoption Date: 22 April 2003
Classification: **Essential**
Revised Dates: **04.17;10.17**

## 5251 CONFLICTS OF INTEREST

Staff members shall not engage in nor have a direct financial interest in any activity which conflicts with his/her duties and responsibilities. Such activities 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 shall 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 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 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.

Legal References:
WAC 180-87-090 Improper remunerative conduct

Adoption Date: 22 April 2003
Grapeview School District

## 5252 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 school property during working hours. 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 the applicable labor agreement for the employee.

No individual shall solicit on the school district property for any contribution to be used for partisan political purpose.

The superintendent is directed to establish procedures which specify the condition under which a staff member can participate in political activities.

Legal References:
RCW 41.06.250 Political activities

Adoption Date: 26 August 2003
Grapeview School District

**5252P STAFF PARTICIPATION IN POLITICAL ACTIVITIES PROCEDURES**

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 shall include a statement which outlines:

   1. the degree to which the employee might request leave to make personal appearances during work hours;

   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 shall be advised that:

   1. Political activities shall not occur during the working hours of the employee. This shall 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.

   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.

Implementation Date: 26 August 2003
Grapeview School District

# Maintaining Professional Staff/Student Boundaries

**Purpose**
The purpose of this policy is to provide 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 and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency 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. 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, district staff are prohibited from inappropriately communicating with students on-line or from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. 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:
3205 - Sexual Harassment of Students Prohibited
3207 - Prohibition of Harassment, Intimidation and Bullying
3210 - Nondiscrimination

| | |
|---|---|
| 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 — 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 |
| | Chapter 181-88 WAC Definitions of sexual misconduct, verbal and physical abuse - Mandatory disclosure — Prohibited agreements |
| Management Resources: | 2015 - October Issue |

Adoption Date: 25 September 2018
Classification: **Encouraged**
Revised Dates:

# 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.

Adoption Date: **22 October 2019**
Classification: **Encouraged**
Revised Dates:

# Staff Expression

The Grapeview 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 district standards for staff expression, including the conditions under which a staff member can participate in written or non-verbal expression. Any violation of this Policy or adopted Procedure may result in disciplinary action.

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

Adoption Date: 25 July 2023
Classification: **Discretionary**
Revised Dates:

# Procedure – Staff Expression

The district's expectations and rules for expression by staff while performing job responsibilities, using district facilities as employees, or appearing to be acting in their role as a district staff member, are as follows:

1. Employees must act consistent with district policies and procedures. This includes maintaining an environment that is free from discrimination, while promoting the district's official mission and vision.

2. Staff perform job responsibilities and represent the district in their use of district email accounts, school district buildings, district property, and classrooms, and in how they present themselves to students in performing their job responsibilities. District email signatures, classroom décor (posters, stickers, signage, etc.), expressive attire while on the job (buttons, hats, shirts, etc.), social media use in the course of employment, and other such channels of staff messaging are thus subject to these expectations:

    a. It is permissible for staff to use such channels of communication only for messaging that is consistent with district policy and procedure and is:
        i. curricular; or
        ii. approved as the district's official position and message; or
        iii. context-appropriate civil personal expression.

    b. It is never permissible for staff to use such channels of communication for messaging that is:
        i. obscene, lewd, or vulgar;
        ii. libelous or slanderous;
        iii. in violation of district policies on bullying, harassment, or intimidation;
        iv. in violation of the district's policies on nondiscrimination;
        v. promoting or opposing electoral candidates, campaigns, political parties, or ballot propositions;
        vi. proselytizing or disparaging religious or irreligious beliefs; or
        vii. otherwise in violation of district policy or procedure.

3. Controversial issues should be addressed as part of the curriculum consistent with district policy 2331, and any related policies and procedures, or through district-approved messaging. Staff should not engage in communication, including personal expression, that violates this procedure, any other district policy or procedure, or when a substantial disruption or interference with the staff member's duties or the district's mission or programs is foreseeable. This may include, but is not limited to, communication that materially undermines trust with students, or that generates significant tension among staff, parents, and students.

4. The district reserves the right to specifically direct or limit any particular staff messaging that is subject to these expectations.

5. Procedures to challenge instructional or library materials used in schools can be found in district procedure 2020P Course Design, Selection and Adoption of Instructional Materials and procedure 2021P Library Information and Technology Programs.

The private and personal life of any employee, including participation in political activities, is not within the appropriate concern or attention of the district unless it adversely affects the performance of the employee's professional responsibilities. Off-duty expression is not immune from potential discipline if it interferes with the district's operations or prevents the district from functioning efficiently and effectively. Staff members who use social media in a private capacity must do so consistently with district policy 5253 and procedure 5253P regarding professional staff and student boundaries.

Violation of this procedure may constitute sufficient cause for potential discipline up to and including termination, in accordance with applicable policies, procedures, and contractual terms.

Implementation Date: 25 July 2023
Classification: **Discretionary**
Revised Dates:

# 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.

Any 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. Personnel files may be maintained by the district in hard copy or in an electronic format.

Any staff member may request, at least annually, 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.

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|---|---|
| Cross References: | 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 |
| | SHB 1308 |
| | **WAC 357-22-035 Must the employee be given a copy of information placed in the personnel file?** |
| Management Resources: | 2015 - October Policy Issue |

Adoption Date: 22 April 2003
Classification: **Encouraged**
Revised Dates: **10.25**

**5260P PERSONNEL RECORDS PROCEDURES**

**LOCATION**
The district shall 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/principal has authorized access to personnel records to the following individuals: Administrative assistant to the Superintendent and the office secretary are designees.
The superintendent/principal 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 shall establish a copy fee of 5 cents per copy.

**ACCESS BY OTHERS TO A PERSONNEL FILE**
In addition to the superintendent/principal and his/her designee, a member of the board, when authorized through board action, shall have access to staff personnel files.
Any person authorized by a valid court order shall have access to personnel files.
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 shall determine if there is any irrelevant information and shall remove all such from he 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 shall 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 shall 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 shall retain the right of rebuttal or correction for a period not to exceed two (2) years.

Implementation Date: 26 August 2003
Grapeview School District

## 5270 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.

The board intends to expedite the process for all concerned parties. Staff are urged to use the administrative procedures whenever they feel that a district action has aggrieved them. The procedures are established to secure 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 may be a claim by a staff member based upon alleged violation, misinterpretation or a misapplication of existing district policies or administrative procedures.

All documents, communications and records dealing with the processing of a grievance shall be maintained in a separate file and shall not be kept in the personnel file of the aggrieved.

Adoption Date: 22 April 2003
Grapeview School District

## 5270P RESOLUTION OF STAFF COMPLAINTS PROCEDURES

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

**STEP ONE**
The staff member shall present the complaint in writing to his/her immediate supervisor within 15 days of the action or incident. The written statement of the complaint shall 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 of the district which have allegedly been violated, and

C. The remedies sought.

The staff member shall discuss this complaint with his/her immediate supervisor. If the complaint is against an administrator or another staff member, such individual shall be present at the meeting to present the facts as he/she sees them. A sincere effort shall be made to resolve the complaint at this level. If the aggrieved person does not appeal the complaint to the superintendent within 10 days of the aggrieved person's meeting with his/her immediate supervisor, the complaint shall be waived.

**STEP TWO**
The superintendent shall, within 10 days of the receipt of the complainant's appeal, meet with that staff member to hear his/her claim. If the complaint is against an administrator or another staff member, such individual shall be present at the hearing to present the facts as he/she sees them.

The superintendent shall render a decision regarding the appeal within 10 days of the appeal hearing. If the complainant does not appeal the superintendent's decision to the board through the superintendent within 10 days, the complaint shall be waived.

**STEP THREE**
If the complainant appeals his/her complaint to the board as provided, the board shall hold a hearing within 10 days to hear the appeal of the superintendent'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 shall be present at the hearing to present the facts as they see them. The board shall, within 15 days of the complaint hearing, present its decision with respect to the complaint. The board's decision as representatives of the electorate of the district shall be considered final.

Implementation Date: 22 April 2003
Grapeview School District

# 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.

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

Adoption Date: 22 April 2003
Classification: **Encouraged**
Revised Dates: **06.24**

## 5271P REPORTING IMPROPER GOVERNMENTAL ACTION PROCEDURES

Definitions: As used in this policy and procedure, the following terms shall 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.

   Improper governmental action does not include personnel actions.

B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member's employment.

C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property. Employees are encouraged to report instances which they believe constitute governmental misconduct.

**REPORTING:**

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

Where the employee reasonably believes the improper governmental action 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.

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

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

**RESPONSE:**

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

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

After an investigation has been completed, the reporting employee shall receive a summary of the investigation 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 shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty 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
Rowe Six, Building 1
4224 - 6th S.E.
Lacey, Washington 98504-2488
(206) 459-6353

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 Department or County Sheriff's Office

Local County Prosecutor's Office

Local City or County Health Dept.

Local City or County Environmental Protection Office

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

Washington Auditor's Office
Legislative Building
P. O. Box 40021
Olympia, Washington 98504-0021
(206) 753-5280

Washington Department of Ecology
3190 - 160th S.E.
Bellevue, Washington 98008-5852
(206) 649-7000

WA. Human Rights Commission
402 Evergreen Plaza Bldg., FJ-41
711 South Capitol Way
Olympia, Washington 98504-2490
(206) 753-6770

WA. Dept. of Labor & Industries
300 West Harrison, Room 201
Seattle, Washington
(206) 281-5400

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

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

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

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

Equal Employment. Opportunity Comm.
2815 - 2nd Avenue, Suite 500
Seattle, Washington 98178
(206) 553-0968

Federal Emergency Mgmt. Agency
130 -228th Street S.W.
Bothell, Washington
(206) 487-4600

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

National Transportation Safety Board
19518 Pacific Highway South
Seattle, Washington
(206) 764-3782

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

Washington Supt. of Public Inst.
Old Capitol Building
P. O. Box 47200
Olympia, Washington 98504-7200
(206) 753-6738

Implementation Date: 22 April 2003
Grapeview School District

# 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.

A. **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.

B. **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 April 1.

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.

C. **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.

**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.

A. **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 April 1.

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.

B. **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.

C. **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: | 5240 - Evaluation of Staff |
| | 5006 - Certification Revocation |
| | 5281 - Disciplinary Action and Discharge |
| 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.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.405.100 Minimum criteria for the evaluation of certificated employees - Four-level rating evaluation system - Procedures - Steering committee - Implementation - Reports –Comprehensive performance evaluation |
| | RCW 28A.405.140 Assistance for teacher may be required after evaluation |
| | 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 — Nonrenewal of provisional employees — Notice — Procedure

RCW 28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing

RCW 28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal 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 41.32.240 Membership in system

RCW 41.33.020 Terms and provisions of plan

RCW 41.40.023 Membership

Chapter 41.41 RCW State Employees' Retirement — Federal Social Security

Chapter 181-86 WAC Policies and procedures for administration of certification proceedings

Chapter 181-87 WAC Acts of Unprofessional Conduct

Chapter 392-191 WAC School Personnel—Evaluation of the Professional Performance Capabilities

Management Resources:

2023 – November Issue

2015 - December Issue

2014 - February Issue

2013 - February Issue

Adoption Date: 22 July 2003
Classification: **Encouraged**
Revised Dates: **04.24**

## 5280P TERMINATION OF EMPLOYMENT PROCEDURES

### 1. Probation and Non-renewal or Termination

CERTIFICATED STAFF

Certificated staff, except "provisional employees," whose performance does not meet minimum requirements based upon the specific categories for evaluation shall receive written notice any time after October 15th. The administration shall exercise the following steps:

Administrator's Report
When an administrator determines on the basis of the specific categories for evaluation that the performance of a staff member does not meet minimum requirements, the administrator shall report the same in writing to the superintendent. The report shall include the following:

A. The evaluation report; and

B. A specific and reasonable plan for improvement.

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

A. The specific area of deficiency;

B. A specific and reasonable plan for improvement which gives the staff member the opportunity to demonstrate improvement in any area of deficiency;

C. The duration of the probationary period;

D. The right of the staff member to have representation and/or counsel in any subsequent meeting between the staff member and the administrator.

Evaluation During the Probationary Period

A. When appropriate, the administrator may utilize resource persons (e.g., coordinator, consultant, and other staff) who shall observe the staff member's performance and offer suggestions for improvement. During the probationary period the evaluator shall meet at least twice monthly with the staff member to determine progress made and make a written evaluation.

B. The staff member may be removed from probationary status at any time.

Administrator's Post-Probationary Report
At the end of the probationary period the administrator shall submit a written report to the superintendent. The report shall identify any improvement in the area of deficiency and shall specify that the 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 employee 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 staff member has not demonstrated sufficient improvement in the stated area of deficiency, the superintendent shall make a determination of probable cause for non-renewal of the staff member's contract and shall provide written notice to the staff member by May 15. Such notice shall contain notice of any appeal rights the staff member may have and notice of the appeal processes.

Any certificated staff member, except "provisional employees," so notified shall 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 shall 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 shall be adversely affected as specified in the written notice.

PROVISIONAL EMPLOYEES

"Provisional employees" whose performance does not meet minimum requirements shall receive written notice from the superintendent by May 15 that the district does not intend to renew the employment contract. Such notice shall cite the reason for such determination and shall 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 shall submit his/her recommendation for non-renewal to the board (RCW 28A.405.220). The "provisional employee" shall be notified in writing of the superintendent's decision at least three days prior to a meeting of the board. The board shall consider any written communication prior to rendering a decision.

The board shall notify the "provisional employee" of its decision within 10 days following the meeting. Such decision shall 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 shall receive written notification from the administrator. Such written notice shall contain the following information:

A. Subject to the action of the board of directors, the final date of employment with the district.

B. The right to request a pre-termination meeting within five (5) working days following notice.

C. Notice of any appeal rights that the employee may have and notice of the appeal processes.

At the pre-termination meeting, the staff member shall 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 shall meet with the staff member to determine if termination action shall be taken.

**2. 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:

A. Guidelines for reduction in programs and services:

1. In its efforts to provide an educational program within the district's financial resources, the board shall, as much as practicable, make reductions in expenditures such as: travel, supplies, and materials and equipment before the reduction in staff.

2. 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 shall be taken into consideration in determining the program and services to be retained, reduced or eliminated:

   (a) The program to be retained shall attempt to minimize the consequences of program reductions upon the student.

   (b) Health and safety standards will be maintained.

   (c) Priority will be given to those books and supplies used by students in fulfilling basic classroom objectives.

   (d) 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.

B. Certificated staff reduction:

In the event that it is necessary to reduce the number of certificated employees pursuant to the provisions hereof, 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.

1. Determination of vacant position: By May 15, of each year 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.

2. Certification: Possession of a valid Washington state teaching certificate which may be required for the position(s) under consideration shall be a prerequisite for retention.

3. 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, shall mean teaching that grade level full time for at least one (1) full year. Experience in combination grade teaching will also be considered.

4. Selection for retention: Certificated employees shall be considered for retention in available positions within their grade level for which they qualify.

   (a) Provisional employee: Those employees who are provisional, as that term is used in RCW 28A.405.220 shall be released first.

   (b) Academic progress: Consideration will be given for post graduate credits earned beyond the BA.

(c) Years of experience: Years of actual full time classroom teaching experience recognized by the state will be given consideration.

C. Affirmative action:
Affirmative action principles shall be considered in implementing the reduction in staff.

D. Action by board:
Recommendations for certificated staff reduction developed in accordance with these procedures shall be presented to the board prior to May 15 for further action by the board.

E. Employment pool:
Those certificated employees released under the reduction in force program shall be placed in an employment pool for a period of two (2) 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.

Implementation Date: 26 August 2003
Grapeview School District

# 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 of 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;
A. 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;
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.

**Non-Disciplinary Dismissal**
Non-represented classified employees and certificated administrators may be subject to non-disciplinary dismissal for behaviors such as, but not limited to, refusal to provide proof of vaccination or refusal to obtain a medical or religious accommodation. The option to use non-disciplinary dismissal does not obligate the district to do so or in any way limit or prevent the district from pursuing other responses as determined by the superintendent or designee.

**Abuse and Sexual Misconduct**
The district will not enter into any contract that is contrary to law 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.

The district, or an individual acting on behalf of the district, shall not provide a recommendation of employment for a current or former employee, contractor, or agent that the district or individual acting on behalf of district knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law. District/school employees, contractors, and agents are also prohibited from providing a recommendation of employment to a current or former employee, contractor, or agent that the employees, contractors, or agents know or has probable cause to believe engaged in sexual misconduct with a student or minor in violation of the law. This does not prohibit the routine transmission of administrative or personnel files but does prohibit doing more than that to help the current or former employee obtain new employment.

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

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|---|---|
| Cross References: | 5006 - Certification Revocation |
| | 5240 - Evaluation of Staff |
| | 5280 - Separation from Employment |
| Legal References: | 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 hearing |
| | 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 — Criminal basis — Complaints — Investigation — Process |
| | RCW 49.44.200 Personal social networking accounts – Restrictions on employer access - Definitions |
| | Chapter 181-86 RCW Policies and procedures for administration of certification proceedings |
| | WAC 181-87 Acts of Unprofessional Conduct |
| Management Resources: | 2021 – October Policy Issue |
| | 2019 - March 2019 - March Policy Issue |
| | 2015 - December Issue |
| | 2014 - December Issue |
| | 2004 - October Issue |

Adoption Date: 27 May 2003
Classification: **Discretionary**
Revised Dates: **12.21**

# Disciplinary Action and Discharge Procedures

When the superintendent determines that there is sufficient grounds to suspend and/or discharge a certificated staff member, the staff member shall receive written notification which specifies the probable cause for such action. The notice shall 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 (Probation and Non-renewal) shall be followed.

Staff who do not request a hearing shall 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 shall be advised of the right to request a pre-termination meeting within five (5) working days following notice. At the hearing, the superintendent shall 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 shall 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 shall be terminated immediately for a guilty plea or conviction of any felony crime against children as stated in (F) below. Such employee shall have the right of appeal.

**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 an 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 shall 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 shall 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 shall 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 shall 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 shall 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.

Implementation Date: 27 May 2003
Classification: **Discretionary**
Revised Dates: **12.21**

# Compensation

A. **Represented Employees**
The district will compensate employees represented by an 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 inflationary increases. For certain positions, like the superintendent or other district-level administrators, the compensation will be established by individual employment 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.

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

Adoption Date: 26 August 2003
Classification: **Discretionary**
Revised Dates: **03.24**

## 5315 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 shall 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 any such staff member with regard to the staff member's financial problems. The district shall 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 shall 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:

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|---|---|
| RCW 6.27.040 | State and public corporations subject to garnishment |
| RCW 6.27.170 | Garnisheed employee not to be discharged--Exception |

Adoption Date: 27 May 2003
Grapeview School District

## 5315P GARNISHMENT AND PERSONAL CREDIT PROBLEMS PROCEDURES

Garnishment shall 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 shall 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.

Implementation Date: 27 May 2003
Grapeview School District

## 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.

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|---|---|
| Cross References: | 5411 - Staff Vacations |
| | 5410 - Holidays |
| | 5407 - Military Leave |
| | 5406 - Leave Sharing |
| | 5404 - Family, Medical, and Maternity Leave |
| | 5403 - Emergency and Discretionary Leaves |
| | 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 |
| Management Resources: | 2021 - December Issue |
| | 2021 - October Issue |
| | 2011 - December Issue |

Last Revised: February 27, 2001
Classification: **Essential**
Prior Revised Dates: **05.17; 12.21; 02.22; 02.25**

# 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 healthcare provider 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 the Human Recourses Director, 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 or 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 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

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. Under RCW 49.46.210 and Chapter 296-128 WAC, nonexempt staff members are entitled to:

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. Such reasonable notice should be submitted to the Human Resources Director. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice 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 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 [insert contact] no later than the end of the first day that the staff member takes such leave.

C. Frontloaded Paid Sick Leave
The District will provide eligible nonexempt staff members with a notification of frontloaded paid sick leave. This notification will provide details of the amount of paid sick leave hours that will be placed into a nonexempt staff member's paid sick leave bank at the start of their employment. It will include the calculations used to determine the frontloaded hours, the paid sick leave accrual year, and a staff member's eligibility details. Unused frontloaded paid sick leave balances of 40 hours or less will carry over to the following year.

The District will make written or electronic notification to a nonexempt staff member for each paid sick leave frontloading period, providing the amount of paid sick leave frontloaded, the calculation used to determine the amount of paid sick leave, and any adjustments based on additional accrued hours. If a nonexempt staff member's frontloaded paid sick leave is less than the amount that they were entitled to accrue, the District will make any additional amounts of paid sick leave available for the staff members use no
later than 30 days after the discrepancy is identified.

If a nonexempt staff member uses more paid sick leave than the staff member would have accrued absent frontloading, the District will not seek reimbursement from the staff member for the paid sick leave used.

| | |
|---|---|
| Cross References: | 5406 - Leave Sharing |
| Legal References: | RCW 49.46.200 Paid sick leave<br>RCW 49.46.210 Paid sick leave – Authorized purposes – Limitations – "Family member" defined<br>Chapter 296-128 WAC Minimum Wages<br>RCW 28A.400.210 Employee attendance incentive program — Remuneration or benefit plan for unused sick leave<br>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<br>Chapter 392-136 WAC Finance — Conversion of Accumulated Sick Leave<br>AGO 1964 No.98 Sick leave for certificated and noncertificated employees<br>AGO 1980 No.22 Limitation on compensated leave for school District employees |

Adoption Date: 26 August 2003
Classification: **Essential**
Revised Dates: **05.17; 01.18**

## 5402 MATERNITY LEAVE

A staff member may use accumulated, paid sick leave for the period of actual disability attributable to pregnancy or childbirth. This period of disability shall 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 disability, the district shall 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 REQUIRED**.
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 shall 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 shall 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 of the specific date when she shall return to work. Unless the superintendent approves an earlier date of return, the employee shall give at least 14 days advance notice of the actual date of return.

The staff member shall return to her duties following an extended leave of absence on the date approved by the superintendent. 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 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 shall 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 shall be entitled to a position in the district subject to the availability of a position for which she is qualified. An effort shall be made to place the staff member in her original position or in a comparable position.

**RIGHT TO APPLY FOR OTHER LEAVE**

Nothing in this policy shall preclude a staff member's right to apply for any other applicable leave as provided by board policy.

Legal References:

| | |
|---|---|
| RCW 28A.400.300 | Hiring and discharging employees--Leave for employees |
| WAC 162-30-020 | Maternity |
| RCW 49.78 | Family Leave |
| WAC 296-134 | Family Leave |
| 29 USC 2601 - 2654 | Family and Medical Leave Act of 1993 |
| 29 CFR 825.100 - 825.800 | Family and Medical Leave Act of 1993 |

Adoption Date: 27 May 2003
Grapeview School District

## 5403 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 sick leave for family leaves are to be fairly construed in a manner consistent with this policy, and other relevant district policies.

In the event the staff member's sick leave has been exhausted, the leave may be granted without pay. Unless otherwise provided by an applicable collective bargaining agreement, the following shall apply:

**FAMILY ILLNESS**

District staff members may use accrued sick leave to care for a child of the employee under the age of eighteen (18) with a health condition that requires treatment or supervision. The district may require a signed statement from a licensed medical practitioner to verify the need for treatment or supervision for any absence, which exceeds five (5) consecutive days.

**DEATH IN THE FAMILY**

The district shall allow each full-time staff member a maximum of five (5) days leave upon the death of an employee's spouse, parent, parent-in-law, grandparent, child, grandchild, sibling, sibling -in-law, sibling children. The deaths of more than one family member resulting from a common occurrence shall be treated as a single death with respect to the length of leave granted.

**BIRTH OR ADOPTION OF A CHILD**

The district shall grant paternal childbirth leave which shall be deducted from the employee's accrued sick leave. Leave shall 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 shall be submitted in writing to the superintendent not less than 30 days prior to the beginning date of the leave. The notice shall include the approximate beginning and ending dates for the leave requested.

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 shall preclude the use of accumulated sick leave to care for a child under age eighteen (18) with a health condition that requires treatment or supervision, as provided in the Family Illness section of this policy.

Cross References:

| | |
|---|---|
| Policy 5021 | Applicability of Personnel Policies |

Legal References:

| | |
|---|---|
| RCW 49.12.270 | Sick leave to care for child |
| RCW 49.12.360 | Parental leave--discrimination prohibited |

Adoption Date: 26 August 2003
Grapeview School District

# Family, Medical, and Maternity Leave

**I. State Paid Family and Medical Leave**

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 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**

*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 or designee 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 or designee 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 or designee 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.

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|---|---|
| Cross References: | 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<br>Title 50A RCW Family and Medical Leave<br>WAC 162-30-020 Pregnancy, childbirth, and pregnancy related conditions<br>Chapter 192-500 WAC through Chapter 192-800 WAC Paid Family and Medical Leave<br>29 USC Sec 2601 Family and Medical Leave Act of 1993<br>29 CFR 825 Family and Medical Leave Act of 1993 |
| Management Resources: | 2019 – October Issue<br>2011 - October Issue<br>2009 - April Issue |

Adoption Date: 27 May 2003
Classification: **Essential**
Revised Dates: **05.17; 12.17; 12.19**

## 5405 EMERGENCY LEAVE

Emergency leave may be granted for no more than two (2) days per year 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 were taken.

Any leave used under terms of this policy shall be deducted from the staff member's accumulated sick leave. In the event the staff member's sick leave has been exhausted, the leave shall be granted without pay.

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

Cross Reference:

| | |
|---|---|
| Policy 5021 | Applicability of Personnel Policies |

Legal References:

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|---|---|
| RCW 28A.400.300 | Hiring and discharging employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools |

Adoption Date: 27 May 2003
Grapeview School District

# Leave Sharing

The District will establish and administer a leave sharing plan in 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, or who has been called to service in the uniform 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 will establish procedures to donate leave for staff members who: (1) earn personal holiday leave and (2) accrue annual leave and sick leave for use by other staff in case of illness, injuries or emergencies. The superintendent or designee is directed to administer the leave sharing plan in a manner consistent with state law and applicable collective bargaining agreements.

| | |
|---|---|
| Cross References: | 5021 - Conflicts Between Policy and Bargaining Agreements |
| Legal References: | RCW 28A.400.380 Leave sharing program<br>RCW 41.04.650-665 Leave sharing program - Intent<br>WAC 392-126-004 -104 Finance |
| Management Resources: | 2010 - October Issue<br>Policy News, October 2004 Revisions to the State Leave Sharing Program<br>Policy News, August 1999 Staff may share personal holiday |

Adoption Date: 27 May 2003
Classification: **Essential**
Revised Dates: **05.17**

**5406P LEAVE SHARING PROCEDURES**

A. A district employee is eligible to receive donated leave if:

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 which has caused, or is likely to cause, the staff member to:

   a. Go on leave-without-pay status; or
   b. Terminate his/her employment;

2. The staff member's absence and the use of shared leave are justified by documentation;

3. The staff member has depleted, or will shortly deplete, his/her annual leave and sick leave reserves;

4. The staff member has abided by district rules regarding sick leave use; and

5. The staff member has diligently pursued and been found to be ineligible to receive industrial insurance benefits.

The superintendent shall determine the amount of leave, if any, which a staff member may receive under this policy. 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 261 days of leave.

B. District employees may donate leave as follows:

1. A staff member who has an accrued annual leave balance of more than sixty (60) days may request that the superintendent transfer a specified number of days to another staff member 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 sixty (60) days.

2. A staff member who accrues annual leave and sick leave may request that the superintendent transfer up to six days of sick leave in any twelve month period to a staff member authorized to receive shared leave, or to the district's shared leave pool. A donating staff member must retain a minimum of 480 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 sixty (60) days may request that the superintendent transfer a specified amount of sick leave to another staff member authorized to receive such leave, or to the district's shared leave pool. A staff member may request to transfer no more than six (6) days of sick leave during any twelve (12) month period, and may not request a transfer that would result in an accrued sick leave balance of fewer than sixty (60) 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 transfer a specified mount of personal holiday leave to another staff member authorized to receive shared leave, or to the district's shared leave pool. A staff member may request to transfer no more than eight (8) hours of personal holiday leave during any calendar year.

5. The number of leave days transferred shall not exceed the amount authorized by the donating staff member.

6. Any leave donated by a staff member which remains unused shall be returned to the donor. To the extent administratively by more than one staff member shall be returned on pro-rata basis.

C. Leave shall be calculated on a day-donated and day-received basis.

Implementation Date: 26 August 2003
Grapeview School District

**5407 MILITARY LEAVE**

The district shall grant military leave as provided by law to each staff member who is a member of a United States Military Reserve Unit or a member of the Washington National Guard for a period not to exceed fifteen days during each calendar year, provided such reservist has been called to, or volunteer for, active duty or active duty training. Such military leave of absence shall be in addition to any vacation or sick leave to which the staff member may be entitled and shall not result in any loss of rating, privileges, or pay. During the period of military leave, the staff member shall receive his/her normal pay from the district.

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

Legal References:

| | |
|---|---|
| RCW 38.40.060 | Military leaves for public employees |
| AGO 61-62 No. 8 | Public Employees--State and Municipal employees--Military leave--Reserve meetings |
| 38 USC 2021 – 2024 | Uniformed Services Employment and Reemployment Rights Act |

Adoption Date: 27 May 2003
Grapeview School District

**5407P MILITARY LEAVE PROCEDURES**

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

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.

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.

A district employee who has a service-connected disability shall 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:

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.

For service from 31 to 180 days, the employee must submit an application for re-employment within fourteen days of completing military service.

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 shall 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 shall 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.

Employees returning from military service shall 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 shall 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% of the premium for the benefits.

Implementation Date: 27 May 2003
Grapeview School District

## 5408 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. 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 shall 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 workday remain, the staff member is to immediately inform his/her supervisor and report to work if requested to do so.

Legal References:
RCW 2.36 Juries

Adoption Date: 27 May 2003
Grapeview School District

# 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:

5400 - Personnel Leaves
5401 - Sick Leave
5403 - Emergency and Discretionary Leaves
5404 - Family, Maternity and Military Caregiver Leave

5406 - Leave Sharing
5407 - Military Leave
5408 - Jury Duty and Subpoena Leave
5410 - Holidays
5411 - Staff Vacations

Legal References:

RCW 1.16.050 - Legal holidays and legislatively recognized days
RCW 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 to request

Adoption Date: 27 May 2003
Classification: **Essential**
Revised Dates: **05.17**

# Holidays

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

1. New Years' Day (January l) ;
2. Martin Luther King, Jr. Day (third Monday in January);
3. President's Day (third Monday in February);
4. Memorial Day (last Monday in May);
5. Juneteenth (June 19);
6. Independence Day (July 4);
7. Labor Day (first Monday in September);
8. Veteran's Day (November 11);
9. Thanksgiving Day (fourth Thursday in November);
10. The day after Thanksgiving; and
11. 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 unless mutually agreed upon by bargaining agreements.

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| Cross References: | 2336 - Required Observances (Veterans Day, Constitution Day, Temperance and Good Citizenship Day, Disability History Month) |
| Legal References: | RCW 1.16.050 Legal holidays and legislatively recognized days<br>RCW 28A.150.050 School holidays |

Adoption Date: 27 May 2003
Classification: **Discretionary**
Revised Dates: **02.23**

## 5411 STAFF VACATIONS

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

A. During the first to fifth year of current continuous employment--ten (10) days per fiscal year;

B. During the sixth to twelfth year of current continuous employment--fifteen (15) days per fiscal year;

C. During the thirteenth year of current employment and each year thereafter—twenty (20) days per fiscal year.

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 shall be computed on a pro rate basis.

Vacation leave must be taken within the 12-month period following the time when vacation was earned.

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 shall 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 Reference:

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|---|---|
| Policy 5021 | Applicability of Personnel Policies |

Legal References:

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|---|---|
| RCW 41.50.150 | Retirement benefits based on excess compensation--Employer liable for extra retirement costs |
| WAC 415-108-510 | (PERS) First-in-first-out |
| WAC 415-112-415 | (TRS) accounting method for determining when leave earned |
| AGO 1976 No. 10 | Accumulation of sick leave while on leave |

Adoption Date: 26 August 2003
Grapeview School District

## 5510 RETIREMENT PROGRAMS

Staff shall become members of the Federal Income Contribution Act (Social Security System) and the Washington State Teachers' Retirement System or the Washington Public Employees' Retirement System as required by law. The district shall make contributions to these retirement systems in behalf of staff according to law and shall 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.

**LOCATION PAY**

Compensation for time not actually worked which an employee receives for being required to remain at, or in the immediate vicinity of, a specific location or to report immediately to work should the need arise (even if the need does not arise) is known for retirement purposes as "location pay." The legislature calls the situation "standby status." An employee may earn retirement credit for location pay if the district establishes a specific policy which correctly defines location pay and describes the occasions on which the district will pay location pay. The definition of location pay does not apply if the employee is allowed to leave the specific location or property immediately adjacent to that location. Employees who are limited to a particular radius or must respond within a set time are not eligible for location pay nor are those who report to work only upon notification by pager or similar device. School bus drivers who, as a part of their bus route, are waiting to transport children receive general compensation for time actually worked.

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

Legal References:

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|---|---|
| RCW 41.32 | Teachers' Retirement |
| RCW 41.40 | Washington Public Employees' Retirement System |
| RCW 41.40.010(8) | Compensation earnable defined |
| RCW 41.50.150 | Retirement benefits based on excess compensation--Employer liable for extra retirement costs |
| WAC 415-108-461 | Location restricted compensation |

Adoption Date: 26 August 2003
Grapeview School District

# Workforce Secondary Traumatic Stress

**Purpose**
The Grapeview School Board is committed to preventing and addressing secondary traumatic stress for District personnel by supporting mental health in the workplace. Everyday school staff work with students experiencing trauma and loss. As a result, teachers, school counselors, administrators, and other school staff many 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; a depletion 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 resouces 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 any 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 implementation 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.

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| Cross References: | 3112 - Social Emotional Climate |
| | 5203 - Staff Assistance Program |
| Legal References: | 28A.300 RCW |
| | 28A.400 RCW |

Adoption Date: 26 October 2021
Classification: **Essential**
Revised Dates:

# Procedure – 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 member from the high school level;
- One staff member from student services and/or support staff (e.g., school counselors, social workers, liaisons, etc.);
- 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, the ESD, and the School Employees' Benefits board. OSPI will link to resources on its website. The committee is encouraged to consider resources supporting comprehensive staff well-being. 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: webpage; emails; direct one-on-one contact; Human Resources/Wellness Survey.

**D.** The duties of the committee will include:

- Sharing supports available through the Office of the Superintendent of Public Instruction, the Educational 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. 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.

Implementation Date: 26 October 2021
Classification: **Essential**
Revised Dates:

# 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.

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| Cross References: | 5005 - Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval<br>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<br>WAC 181-85-075 Continuing education requirement<br>WAC 181-85-200 In-service education approval standards<br>WAC 392-121-255 Definition — Academic credits<br>WAC 392-121-257 Definition — In-service credits<br>Chapter 392-192 WAC Professional development programs<br>Chapter 392-195 WAC School personnel— In-service training program<br>SSSB 5082, Chapter 386, Laws of 2019 Social-Emotional Learning—Committee, Standards, and Benchmarks<br>SSB 5044, Chapter 197, Laws of 2021 Public Schools, Equity, Etc.—Training |
| Management Resources: | 2021 – June Issue<br>2011 - December Issue |

Adoption Date: 24 June 2003
Classification: **Discretionary**
Revised Dates: **09.21**

# Procedure - 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 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: Cultural competency, diversity, equity, or inclusion.

Beginning in the 2023–24 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 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 purposes 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.

Implementation Date: 24 June 2003
Classification: **Discretionary**
Revised Dates: **08.21**

## 5525 PROFESSIONAL, CIVIC, AND SERVICE ORGANIZATION MEMBERSHIPS

The superintendent/principal is encouraged to be a member of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

The superintendent/principal is encouraged to be an active participant in civic and service organizations in the community. The board of directors believes that the district will benefit from the participation of administrative staff in civic and service organizations in the community because of improved reciprocal understanding and communication between community leaders and district staff. This will lead to increased community support for the schools, school programs that are more responsive to the needs of the community and opportunities for cooperative support of school and community programs.

Membership fees, travel and meal costs attributable to an employee's participation in the civic and service organizations will be paid by the district, subject to the restrictions of this and other district policies:

District payment of membership fees and related costs for participation in civic and service organizations is limited to the superintendent/principal.

The district recognizes that there will be indirect costs attributable to participation in civic and service organizations for employee time. The district encourages full participation in organizations for which it is paying costs, although no employee may act as an officer or take a leadership role in more than one organization for which the district is paying the membership costs.

The district shall pay no more than $200.00 per year for costs related to membership in a civic or service organization covered by this policy.

The superintendent/principal may be reimbursed for travel, meal or other appropriate expenditures related to district-paid membership in civic and service organizations pursuant to Policy No. 6213, Reimbursement for Travel Expenses.

The superintendent/principal for whom the district pays any membership costs in civic and service organizations may not exert influence on other employees to provide financial contributions or other support to the civic or service organization. Neither may they use the civic or service organization as a forum for lobbying in support of or opposition to political or legislative actions, or the promotion of endeavors in which they may have a direct or indirect financial interest or may acquire a personal benefit or gain.

Adoption Date: 24 June 2003
Grapeview School District

# 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.

The board authorizes the employment of a spouse of an officer as a substitute teacher when the superintendent or designee 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.

[If your district is a second-class district with three hundred or fewer full-time equivalent students, you may include the following language rather than the language above: The board authorizes the employment of a spouse of an officer as a substitute teacher or substitute educational aide 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 or designee 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 Chapter 41.35 RCW 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' benefits board; 4) the full daily compensation rate per substitute teacher; and 5) the reason for hiring the substitute teacher.

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|---|---|
| Cross References: | 1610 - Conflicts of Interest 1st Class Districts<br>1610 - Conflicts of Interest 2nd Class Districts<br>5001 - Hiring of Retired School Employees<br>5612 - Temporary Administrators |
| Legal References: | RCW 28A.300.615 Substitute teachers—Hiring and compensation reporting<br>RCW 28A.330.240 Employment Contracts<br>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<br>RCW 28A.405.900 Certain certificated employees exempt from chapter provisions<br>RCW 28A.410.010 Certification — Duty of professional educator standards board — Rules — Record check — Lapsed certificates — Superintendent of Public Instruction as administrator<br>RCW 41.32.570 Postretirement employment — Reduction or suspension of pension payments<br>RCW 41.32.802 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>RCW 41.32.862 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>RCW 41.35.033 Membership—Service credit—Substitute employees—Rules<br>RCW 41.35.060 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>RCW 41.40.037 Service by retirees—Break in employment requirement—Reduction of retirement allowance upon reemployment—Reestablishment of membership<br>RCW 42.23.030 Interest in contracts prohibited — Exceptions<br>WAC 181-79A-231 Limited certificates |
| Management Resources: | 2016 - July Issue<br>2011 - August Issue<br>Policy News, June 2008 Substitute Employment<br>Policy News, August 2001 Legislature Authorizes "Retire-Rehire" |

Adoption Date: 24 June 2003
Classification: **Encouraged**
Revised Dates: **10.20; 11.22**

# Procedure - 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 call the substitute line at 6:00am.;

C. Teachers who feel ill and do not expect to be able to teach the next day may call before 8:00 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 workday 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. Are responsible to perform acts related to health care plans, 504 plans, or IEPs in effect for the students. Contact the principal for any questions. The principal will refer the substitute to the appropriate professional for guidance and to assure competence;

E. 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;

F. Maintain the “housekeeping” arrangements of the regular teacher;

G. Administer no corporal punishment to a child. The principal should be contacted in the case of a serious behavior problem;

H. 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

I. 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. **Food Services** - The food service department will attempt to fill this temporary assignment by contacting one or more qualified individuals from the appropriate list.

B. **Transportation** - The transportation department is authorized to fill this temporary assignment from a list of qualified drivers.

C. **Maintenance** - Unless a state of urgency exists maintenance positions will not be filled by a substitute.

D. **Operations** - The principal is authorized to employ a substitute custodian from the approved list.

E. **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.

F. **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.

Implementation Date: 26 August 2003
Classification: **Encouraged**
Revised Dates: **09.20**

# 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.

Retired administrators may be employed as temporary administrators in accordance with Policy 5001 – Hiring of Retired School Employees.

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| Cross References: | 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<br>RCW 28A.405.900 Certain certificated employees exempt from chapter provisions<br>RCW 41.32.570 Postretirement employment — Reduction or suspension of pension payments<br>RCW 41.32.802 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership<br>RCW 41.32.862 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400—Reestablishment of membership |
| Management Resources: | 2022 – June Issue<br>2011 - August Issue<br>Policy News, October 2001 “Retire-Rehire” Correction |

Adoption Date: 24 June 2003
Classification: **Discretionary**
Revised Dates: **11.22**

**5630 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 shall 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 shall 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.

Cross References:

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|---|---|
| Policy 5005 | Employment: Disclosures, Certification Requirements, Assurances and Approval |

Legal References:

| | |
|---|---|
| RCW 43.43.830 to 43.43.840 | Washington State Criminal Code Records |
| WAC 446-20-285 | Employment--Conviction Records |

Adoption Date: 24 June 2003
Grapeview School District

**5630P VOLUNTEERS PROCEDURES**

Volunteers shall:

A. Serve in the capacity of helpers and not be assigned to roles which require specific professional training. Instructional services shall 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;

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 shall 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. Clerical duties including typing of dittos, stencils, inventories, putting booklets together, newsletters and related, student lunchroom counts and attendance and class records;

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.

Implementation Date: 24 June 2003
Grapeview School District

**5641 STUDENT TEACHERS**

The board encourages cooperation with colleges and universities within the state in the training of student teachers. The district shall 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 shall be expected to provide liaison personnel who shall work cooperatively throughout the training process with the principal and the supervising teacher.

Student teachers shall comply with the policy of the district as it applies to certificated staff. The supervising teacher and the principal shall be responsible for the conduct of the student teacher.

Cross Reference:
Policy 5521 Teacher Assistance Program

Adoption Date: 24 June 2003
Grapeview School District

**5641P STUDENT TEACHER PROCEDURES**

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

A. The college representative shall present a student teacher agreement to the superintendent for review and approval.

B. The superintendent shall determine if placements are possible in the subject areas requested.

C. The college supervisor shall be notified of placements that can be accepted during the quarter.

D. Assignment shall be made with the approval of the cooperating staff member.

E. A student teacher shall be assigned to a teacher with no less than three years of teaching experience.

F. A supervising teacher shall not be assigned more than one student teacher per school year.

G. The supervising teacher shall be responsible for the class and should not delegate responsibilities until the student teacher has displayed the proficiency to accept them.

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.

Implementation Date: 24 June 2003
Grapeview School District

## 5642 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 shall be approved on an individual basis. Specific factors to be used in considering an individual for an internship position shall 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 shall 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.

Adoption Date: 24 June 2003
Grapeview School District

**5642P INTERNSHIPS PROCEDURES**

The following procedures shall 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. A screening committee shall be appointed to assist in the selection of administrative interns. Classroom teachers may be included in the membership of a screening committee.

C. Through examination of the applicant's credentials and through examination and/or personal interview, a screening committee shall determine whether the applicant is qualified for consideration as an intern for an administrative position. The screening committee will be supplied with statements of criteria which relate to the specific job description. The screening committee shall interview prospective interns on the basis of specific criteria for the position. The committee shall maintain a set of notes which can be used as the basis for arriving at recommendations. The recommendations of the screening committee shall be submitted to the superintendent.

D. The individuals recommended for consideration as interns shall be scheduled for internship assignments when and where it will be most advantageous to the district.

Following selection, 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.

Implementation Date: 24 June 2003
Grapeview School District