



Xavier Charter School Policy Manual

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Xavier Charter School

PERSONNEL

Policy: 5000 Goals

The human resources of Xavier Charter School are valuable and significant in creating an effective educational program and learning environment. Schools function most efficiently and successfully when highly qualified individuals are employed to staff the needs of Xavier Charter School. Opportunities for staff development should be provided periodically. Supervision is a necessary, ongoing function of Xavier Charter School's leadership. The board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Policy History:

Adopted on: September 2012

Revised on: February 2015, April 17, 2025

Reviewed on: April 19, 2018; March 18, 2021, March 11, 2025

Xavier Charter School

PERSONNEL

Policy: 5100 Hiring Process and Criteria

Hiring Process and Criteria

The Board of Directors has the legal responsibility of hiring all employees. The Board assigns to the Head of Schools and/or designee the process of recruiting personnel and hiring all classified personnel with the exception of the district business manager. The Head of Schools and/or designee may involve various administrative and teaching staff as may be needed in recruiting potential personnel. All certificated personnel selected for employment must be recommended by the Head of Schools and/or designee and approved by the Board. All personnel selected for employment must also go through the applicable screening process outlined in Idaho Code 33-1210.

To aid in obtaining quality staff members, the following non-exclusive list of factors will be considered, along with any other factors relevant to the position: qualifications, training, experience, personality, character, and ability to relate well with students. Every effort will be made to maintain wide diversity in staff experience and educational preparation. However, the welfare of the children of Xavier Charter School will be a paramount consideration in the selection of teachers and administrators.

All applicants applying for a certificated position who are pursuing an alternate route to certification shall be considered on a case-by-case basis. They must hold or demonstrate ability to hold any state certification required for the position and demonstrate they meet the alternate route requirements.

Except where otherwise specified, this policy applies to the hiring of all certificated and classified staff members in Xavier Charter School except for the Head of Schools. This policy shall be made available to any Xavier Charter School employee or person seeking employment with the district.

Guidelines

1. There will be no discrimination in the hiring process. See Policy 5120.
2. If the vacant position is that of the Head of Schools, the hiring process and the review of all applicants is the responsibility of the Board of Directors.
3. Applicants for teaching and administrative positions shall provide evidence of meeting State requirements for certification as described below and sign a statement authorizing current and past school district employers, including those outside the state of Idaho, to release to Xavier Charter School all information relating to job performance or job related conduct, and making available to the school copies of all documents in the applicant's previous personnel files, investigative files, or other files. Such statement will

also release the applicant's current and past employers from any liability for providing such information and documentation. Applicants who do not sign the statement/release shall not be considered for employment. Xavier Charter School will consider information received from current and past school district employers only for the purpose of evaluating applicants' qualifications for employment in the position for which they have applied. No Xavier Charter School employees shall disclose this information to anyone, other than the applicant, who is not directly involved in the process of evaluating the applicants' qualifications for employment. Applicants may be employed on a non-contracted provisional basis as allowed by law. Applicants may not be prevented from gaining employment if current or past out-of-state employers are prevented from or refuse to cooperate with Xavier Charter School's request. See Forms 5100F1 and 5100F2.

4. Applicants must meet the applicable State standards for the position they are applying for. Applicants for high school and middle school teaching positions should have a major or its equivalent in the field they will be teaching. Applicants for elementary school teaching positions should have a major or its equivalent in elementary education or in their area of assignment.
5. When considering coaching assignments in secondary schools, preference for hiring will be given to qualified certificated professional employees in the school where the coaching vacancy exists. The building principal will be responsible for assuring that all qualified and interested applicants within the building have been given consideration. Giving such individuals consideration does not mean that such an individual will necessarily be retained for a coaching position. Another individual who is not a certified employee of the building in question may receive the position.
6. As required in Idaho Code 65-505, Xavier Charter School will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
7. As required in Idaho Code 33-130 and 33-512(16), the district will conduct a criminal history check for applicable positions.
8. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

The employment of any certified staff member is not effective until the contract is approved by the Board and signed by both the Board Chair and the applicant.

To assist administrators in complying with the above policy for the hiring of staff, the following guidelines shall be utilized when hiring staff:

Notice of Vacancies

Vacancies in certificated positions and the business manager will be posted only after the Board has received written resignation from a contracted professional employee of Xavier Charter School, a termination has occurred, or if a new position is created within the school. The Head of Schools and/or designee shall develop procedures for the posting of available positions within Xavier Charter School.

1. Job Vacancy Notices: Any notice from Xavier Charter School will contain the following information:
 - A. Position available and job description.
 - B. Requirements for completed application, as applicable for position. For a certificated position, these include but are not limited to:
 - 1) A completed Xavier Charter School application form;
 - 2) Official transcripts of all university or college credits;
 - 3) Current hiring packet
 - 4) A personal resume; and
 - 5) Verification or eligibility of Idaho certification. For all positions, a signed statement/release for current and past school district employers is required.
 - C. Timeline for receiving application.
 - D. Process notification of how applications will be handled.
2. Application Procedures for Certificated Positions: It will be the responsibility of any applicant to provide the information required for a completed application listed above.
 - A. Such information must be received prior to the cutoff date for receiving applications as specified in the vacancy notice.
 - B. It will be at the discretion of the Head of Schools and/or designee or the appropriate administrator to determine whether such deadlines should be extended to accommodate individuals where placement center files, transcripts, or other materials are not yet received by Xavier Charter School for consideration. Such time extension will be restricted to a reasonable time frame.
 - C. In addition to the certification information provided by the applicant, Xavier Charter School will also request from the office of the Superintendent of Public Instruction verification of certification status, any past or pending violations of the professional code of ethics, any detail as to any prior or pending conditions placed upon a certificate holder's certificate, any prior or pending revocation, suspension, or the existence of any prior letters of reprimand and information relating to job performance.

- D. Within three business days of receipt of the statement releasing information from prior school district employers, as required by I. C. 33-1210, such statement shall be sent to the prior employers with a request for release of information and documentation to be provided as required by that section.

Because responses to such requests may take up to 20 days, or possibly more for out-of-state school district employers, information received pursuant to such request may be reviewed prior to or after interviews have been concluded, at the discretion of Xavier Charter School. Where possible, such information should be utilized as part of the screening process. However, due to considerations of time, such early review may not be possible, and such information received pursuant to this process may be reviewed or utilized up to any time prior to offering employment to an applicant or during an applicant's period of provisional employment.

- E. Upon receipt of the completed applications, those applications will be placed in a file for review and consideration at Xavier Charter School Office.

Preliminary Screening

For certificated and classified vacancies, at either the time the job vacancy is published, or prior to the conclusion of the application period, the Head of Schools and/or designee will provide notice to the appropriate administrator of the desired number of qualified individuals to be included in the "screening pool". The screening pool shall be defined as the number of individuals having completed applications that may be submitted to the administrator for final screening. In the event the open position is deemed by the Board to be an administrative or director position, including principal, the size of the screening pool shall be determined by the Head of Schools and/or designee.

Screening

1. The Board may direct the Head of Schools and/or designee to establish or the administrator may establish a committee to assist in the final screening process for certificated and classified positions. This committee will act in an advisory capacity to the Head of Schools and/or designee and to the Board.
2. The committee, upon receiving the written applications from the administrator, will review those applications for the purpose of:
 - A. Determining those most suited to the position;
 - B. Making personal telephone contact with one or more references submitted by the applicant;
 - C. Contacting individuals who might know the candidate, but were not listed as references, if needed; and
 - D. Inviting the top candidates to be interviewed for the position.

3. The Head of Schools and/or designee or committee will establish the procedures at the building or program level for interviewing the successful applicants and will have thoroughly vetted all applicants.
4. For those applicants who have no prior public school work experience or whose out-of-state former employers will not release documentation requested pursuant to I.C. § 33-1210, the screening committee or administrator may engage in whatever background checks it deems appropriate but, at a minimum, shall verify all prior work experience and educational achievement listed by the applicant as the committee or administrator deems appropriate, preferably by contacting the prior employers and/or educational institutions listed by the applicant, and shall communicate with every person listed as a reference by the applicant.
5. Upon determining the qualified applicant, the administrator will submit to the Head of Schools and/or designee the written recommendation for the applicant to be offered the position.

Acceptance Procedure

Once the Committee or administrator has selected the final candidate, the name will be provided to the Head of Schools and/or designee who will review the applicant's credentials with the administrator.

If the Head of Schools and/or designee concurs with the recommendation, the Head of Schools and/or designee will take the following steps.

1. Authorize a statement of intention to employ, pending Board approval, to be made to the candidate.
 - A. If, at the time the statement of intention to employ is made, Xavier Charter School has not yet received documentation requested pursuant to I.C. 33-1210(3), the school may provisionally employ such applicant for a certificated position on a non-contracted basis for up to 30 days after receipt of the documentation. Within that 30 day time period, the Board may issue a written statement to the applicant identifying why a standard contract will not be issued and specifying which information justifies such decision. The Board may not identify any reason for non-issuance of a standard contract not based on the documentation received. If, within 30 days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to the applicant, the employee will be deemed to be employed pursuant to the appropriate type of contract. During this provisional employment, the applicant shall be provided the same compensation and benefits as if the employee had been employed on a standard certificated contract.

If no documentation is received from out of state employers, Xavier Charter School may employ the applicant for the certificated position on the appropriate

type of standard contract without utilizing the provisional, non-contracted employment.

- B. Upon receiving a verbal or written statement of intention to accept employment, pending Board approval, by the candidate, the Head of Schools and/or designee will prepare the necessary papers for recommendation to the Board of Directors at the next regular or special Board meeting.
- C. Submit to the Board of Directors such recommendation.

Board Action

When approving the hiring of an employee the Board of Directors of Xavier Charter School will:

1. Have placed before it the name of the final candidate for the position; and
2. Discuss hiring and, in situations wherein the individual qualifications of the applicant are discussed, go into executive session pursuant to law; and
3. Vote relating to approval or disapproval of the candidate. If members of the Board personally have knowledge not available to the administrator and the screening committee the Board will not take action until all concerns have been reviewed by the administrator.

Approval of Candidate for Certificated Position

Upon approval by the Board of Directors, a contract, which may comply with the forms recommended by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-5206(4). The applicant must sign the contract and return it within 10 days from the date the contract is delivered to them. If the person willfully refuses to acknowledge receipt of the contract or if the contract is not signed and returned to the Board in the designated period of time, the Board or designee may declare the position vacant. If the candidate is not approved, or if the person willfully refuses to acknowledge receipt of the contract or if the contract is not signed and returned to the Board, the Head of Schools and/or designee will remand the situation to the administrator and screening committee to provide the next applicant's name for consideration.

Any person on provisional employment pursuant to I.C. 33-1210(7) shall be subject to the same time limits and provisions for return of a signed contract when and if such contract shall be provided to them for signature.

Certification

To qualify for employment, each teacher, pupil service staff, or administrator must have, and maintain during the entire school year, a valid Idaho instructional/pupil service staff/administrator certificate on file in Xavier Charter School Office at the beginning of the school year. If at any time the teacher/pupil service staff/administrator's certification lapses, is revoked, or suspended, the certificated employee may be subjected to action declaring a contract violation and action will be taken to terminate the employment of the individual with the school.

Cross References: 5100F1-5100F3	Hiring Process and Criteria Forms
5120	Equal Employment Opportunity and Non-Discrimination
5500	Personnel Files
5740	Reduction in Force
Legal References: I.C. § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates
I.C. § 33-512	Governance of Schools
I.C. § 33-513	Professional Personnel
I.C. § 33-1210	Information on Past Job Performance
I.C. § 65-501 <i>et seq.</i>	Rights and Privileges of Veterans
I.C. § 74-206	Executive Sessions—When Authorized
IDAPA 08.02.02.015.02	Standard Pupil Service Staff Certificate
IDAPA 21.01.06	Rules for the Enforcement of the Veteran's Preference in Public Employment

Policy History:

Adopted on: September 2012

Revised on: February 2015; March 19, 2020; March 18, 2021; September 16, 2021;

May 18, 2023

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5100F1 Authorization for Release of Information Form

XAVIER CHARTER SCHOOL

**AUTHORIZATION FOR RELEASE OF INFORMATION ON PAST
EMPLOYMENT WITH SCHOOL EMPLOYERS
IDAHO CODE 33-1210**

Idaho Law requires Applicants for any position at any Idaho Public School to allow the hiring school employer to obtain a copy of past public school employer personnel file materials and other documentation relating to the performance of the Applicant when such Applicant was employed by any other public school, whether in Idaho or any other state.

Before hiring an Applicant for any position, Xavier Charter School must request the Applicant sign this form. Should the Applicant refuse or fail to sign this form, Xavier Charter School is not permitted to hire the Applicant for any position. This authorization does not limit any employer from seeking additional information or disclosures from any Applicant.

This form:

1. Authorizes current or past public school employers of the Applicant/undersigned on this form, including Applicants outside of the State of Idaho, to release to the hiring school all information relating to the job performance and/or job related conduct of the Applicant and make available to the hiring school copies of all documents in the previous employer's personnel file, investigative file (regardless of outcome or finding, if any) or other files relating to the job performance of the Applicant; and
2. Releases the Applicant's/undersigned's current and past employers, and employees acting on behalf of the employer, from any liability for providing the above-mentioned information.

Pursuant to state law, "documentation related to the job performance or job related conduct of any employee/applicant is defined as, and may be limited by the producing district to include: all annual evaluations, letters of reprimand, letters of direction, letters of commendation or award, disciplinary actions and documentation of disciplinary investigations, recommendations for probation, notices of probation, notices of removal from probation, recommendations for termination or nonrenewal, notices of termination or nonrenewal, notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate and any rebuttal documentation filed by the employee relative to any of the above documents." I.C. § 33-1210(2)(b).

§ 33-1210 RELEASE:

I understand that the above requirements are a condition of my obtaining employment with Xavier Charter School and I consent to my current and former employers, both inside and outside the State of Idaho, upon receipt of this signed authorization, to comply with Idaho law. I further consent that such authorization may be provided to the hiring Xavier Charter School via electronic means.

Signature of Applicant

Date

Printed Name of Applicant

Identifying Employee Number/Name of Applicant or other Identifying Information for Past Employer

*Information obtained through the use of this Release will be used only for the purpose of evaluating the qualifications of the Applicant for employment. This information will not be disclosed in any manner other than as provided by Statute.

*A copy of this Release and all information obtained through use of this Release will be placed into the Applicant's Personnel File with Xavier Charter School upon employment of the Applicant, if any.

*An Applicant's failure to disclose any former School employer, whether within or outside of the State of Idaho, will serve as the basis for immediate termination and, for certificated personnel, may also result in Xavier Charter School's reporting of the individual to the Idaho Professional Standards Commission for a potential violation of the Code of Ethics for Professional Educators.

*By accepting an executed copy of this form, the hiring School makes no guaranty or promise of employment to the Applicant. Further, the hiring School may employ the Applicant on a conditional basis pending review of information gathered pursuant to this Release. Such conditional employment is not a guarantee or promise of continued employment with the hiring School for any length of time or pursuant to any additional conditions.

Policy History:

Adopted on: September 2012

Revised on: February 2015; March 18, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5100F2 Request to Employer Form

XAVIER CHARTER SCHOOL REQUEST TO EMPLOYER IDAHO CODE 33-1210

Idaho Code 33-1210 requires all Idaho School employers to obtain past school employer performance information regarding any individual they are considering for hire, with regard to any position at an Idaho Public School.

Idaho Code 33-5210 (3) requires public schools to comply with laws governing safety including but not limited to sections ... 33-130 (Criminal history checks for school district employees or applicants for certificates or individuals having contact with students) and Idaho Code 33-1210 is clearly designed as a safety measure for public schools hiring certificated employment candidates.

The aforementioned statute requires Applicants to sign a statement “authorizing the applicant’s current and past school employers, including employers outside of the State of Idaho, to release to the hiring school all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring school copies of all documents in the previous employer’s personnel, investigative, or other files relating to the job performance by the Applicant.”

Enclosed please find a copy of the signed Authorization for Release of Information from _____, an Applicant for employment with the Xavier Charter School. This individual has identified your school as a prior employer. Accordingly, we are requesting that you please provide to Xavier Charter School a copy all information relating to this individual’s performance as an employee with your school. In accordance with the terms of the statute in question, we request receipt of this information within 20 business days after receipt of this request. This information may be sent either as written documentation or in electronic format. We would request that you advance this information to:

Xavier Charter School
1218 N College Rd. W.
Twin Falls, ID 83301

It should be noted that this statute provides that any school district or employee acting on behalf of the school district, who in good faith discloses information pursuant to this section either in writing, printed material, electronic material or orally is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of the disclosure under this section unless the evidence establishes one or more of the following:

1. That the employer knew the information disclosed was false or misleading;
2. That the employer disclosed the information with reckless disregard for the truth; or
3. That the disclosure was specifically prohibited by a state or federal statute.

Should you have any questions regarding this matter, please contact:
_____ at the above contact information.

Xavier Charter School Human Resources

Policy History:

Adopted on: September 2012

Revised on: February 2015; March 18, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5100F3 Request for Verification of Certificate Status

**XAVIER CHARTER SCHOOL
REQUEST FOR VERIFICATION OF CERTIFICATE STATUS**

Attn: _____
Director of Certification/Professional Standards
Idaho State Department of Education
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0027

Pursuant to § 33-1210(5), Idaho Code, Xavier Charter School is seeking information regarding the following individual:

Name of Applicant _____
D.O.B.: _____

Specifically, pursuant to the above-referenced statute, Xavier Charter School is seeking the following information in order to address a hiring decision:

1. Certificate status;
2. The existence of any past findings or complaints relating to violations of the Code of Ethics for Professional Educators;
3. The existence of any current complaints or investigations relating to alleged violations of the Code of Ethics for Professional Educators; and
4. Any information relating to job performance as defined by the State Board of Education, pursuant to Subsection (11) of Idaho Code 33-1210, for any applicants for certificated employment.

Xavier Charter School would greatly appreciate it if this information could be advanced to the attention of _____ on or before the _____ day of _____ in order to allow a timely decision as to employment matters. This information may be mailed at the above address or sent via electronic format to: _____.

Sincerely,

Xavier Charter School Administrator

Policy History:

Adopted on: September 2012

Revised on: February 2015; April 19, 2018; January 16, 2020; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5100P Procedures for Obtaining Personnel Records for Applicants

1. Before hiring an applicant for employment in a certificated or non-certificated position Xavier Charter School shall have the applicant sign the statement/release (Form 5100F1) and provide a list of their previous school employers. The list may be obtained via resume or application. Xavier Charter School will not hire an applicant who refuses or fails to sign the statement/release.
2. The signed statement/release will then be sent by Xavier Charter School to each and every current or past, in state or out of state, school district employer of the applicant along with a request for information relating to job performance and/or job related conduct (Form 5100F2).

Note: Xavier Charter School is not required to request the information for all applicants. Xavier Charter School is only required to request the information for the applicants who are considered being offered the position. However, in the interest of time, as it may take up to 20 days to receive such information, Xavier Charter School may request the information of every applicant who has sent a signed statement/release.

3. Xavier Charter School may follow up with current or past school employers if the information requested has not been received within 25 days from the date the request was sent. Xavier Charter School may hire non-certificated applicants on a conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school district employer refuses to comply with the request. Xavier Charter School will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school district employer. The written refusal shall be kept as a part of the applicant's file. The Board directs the Head of Schools and/or designee to establish steps to be taken in confirming prior work experience and checking references of new employees whose former employers refuse to release documentation, and for those with no prior public school work experience.
4. Xavier Charter School shall also request State Department of Education provide verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (Form 5100F3).
5. When such information and documentation is not received prior to screening or interviews, Xavier Charter School will review such information no less than 30 days after it has been received. If an applicant has been offered provisional employment pursuant to I.C. 33-2010(7), Xavier Charter School should review the documentation within ten days of receipt. If a written statement of non-employment is to be provided to the provisional

employee, it shall be provided before the end of 30 days after the receipt of the documents. If the provisional employee is to be employed by Xavier Charter School, a written contract should be provided prior to the end of the 30 day period. It is the goal of Xavier Charter School to avoid any situation where an applicant or provisional employee is employed by default or without a written contract.

6. Xavier Charter School shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or Xavier Charter School employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

Cross Reference: 5100	Hiring Process and Criteria
5100F1	Authorization for Release of Information Form
5100F2	Request to Employer Form
5100F3	Request for Verification of Certificate Form

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

Policy History:

Adopted on: September 2012

Revised on: February 2015; May 16, 2018; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5100P2 Veterans' Preference

Xavier Charter School should give preference in hiring, and in the case a reduction in force, consideration for a retention, to veterans, unmarried widows and widowers of veterans, and the spouse of any veteran who is unable to work in public employment due to a service-connected disability. Such applicants should be referred to as "preference eligible applicants" throughout this policy. The school will continue to comply with code section 65-505 in its application of the Veteran Hiring Preference.

This preference does not apply to temporary positions or to appointments to the Board.

For the purpose of this policy, "veterans" means any person who has been discharged or released from active duty in the armed forces under honorable conditions who served on active duty for at least 180 consecutive days.

Xavier Charter School should post this procedure on the school's website and should note on all announcements and advertisements of applicable vacancies that preference will be given to preference eligible applicants. Applications for qualifying positions should ask whether the applicant is claiming veterans' preference and whether the applicant has previously claimed such a preference. The form should also indicate what documentation is required to confirm veteran status.

Any application for a position submitted by a preference eligible applicant should be considered, provided it is received before a candidate is chosen to fill the position, regardless of whether the application is received before the deadline to receive applications.

Xavier Charter School should interview all preference eligible applicants who qualify for the position for which they have applied unless the total number of preference eligible applicants applying for a position exceeds ten.

A preference eligible applicant should be hired in cases where no other employee is more qualified or there is no articulable reason to select another candidate.

Appeal Process

If an applicant or employee believes they have been denied preference to which they are entitled under this procedure, they may appeal the decision within 35 days of the alleged denial of preference by submitting a written request for appeal to the Board Clerk. Such request must include:

1. The applicant or employee's full name and mailing address;
2. A request for either a telephonic or a face-to-face hearing. In the former case, the telephone number where a telephonic hearing may be conducted must be included;
3. The position applied for (if applicable);
4. A brief statement of the applicant or employee's basis of eligibility for a preference;
5. A brief statement of the issues the applicant or employee proposes to raise at the hearing; and
6. Any dates or times the petitioner or the petitioner's attorney cannot be available for a hearing.

The Board should direct the Head of Schools and/or designee to notify the applicant or employee of the time and date of the hearing and that the Board should be the presiding officer at the hearing. Such notice should be provided at least seven days before the hearing and indicate:

1. Whether the meeting will be by phone or in person;
2. The location of the meeting, if it will be held in person. In person meetings may only be held in the city where the position is located unless the parties agree otherwise; and
3. The address to which relevant documents must be sent.

The hearing should be held within 35 days of receipt of the request unless good cause to extend the hearing is shown by the Board or by the applicant/employee, in which case the hearing must be held within 70 days.

Prior to the hearing, each side should notify the others of the witnesses they intend to call and provide one another with copies of any documents to be presented. Evidence may be considered or rejected in accordance with IDAPA 21.01.06.103.03.

The applicant or employee may be represented by an attorney, at their own expense, if they choose.

The Board should issue a written order reflecting its decision on the matter within 35 days of the hearing. The order should include:

1. Specific findings on all major facts at issue;
2. A reasoned statement in support of the decision;
3. All other findings and recommendations of the Board;
4. A preliminary decision finding that a preference was or was not applied by the public employer as required by Idaho law;
5. The procedure and time limits for filing an appeal to the district court under Section 65-506, Idaho Code.

Legal Reference: I.C. § 65-501 <i>et seq.</i>	Rights and Privileges of Veterans
I.C. § 65-505	Officials to Observe Preference – Exceptions
I.C. § 65-506	Failing or Refusing to Give Preference – Civil Liability

IDAPA 21.01.06

Rules for the Enforcement of the Veteran's
Preference in Public Employment

Policy History:

Adopted on: February 20, 2020

Revised on: March 18, 2021

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5101 Xavier Charter School Specific Teaching Certificates

Xavier Charter School teachers shall be required to hold a teaching certificate. This may be a standard instructional certificate or interim certificate as described in Idaho Code 33-1201 et seq. and IDAPA 08.02.02 or it may be a charter school-specific teaching certificate. Teachers employed in any special education assignment must have a standard instructional certificate, not a charter school-specific teaching certificate.

To obtain a school-specific teaching certificate with the Xavier Charter School, a teacher must meet the following criteria:

1. Be at least 18 years of age.
2. Be free from contagious diseases.
3. Have on file with the State Department of Education the results of a criminal history check as described in IC 33-130.
4. Have no conviction for a felony listed in IC 33-1208.

The teacher must also hold a bachelor's degree from an accredited institution unless they are teaching career technical education courses and satisfy the following requirements:

1. Hold or have held an approved industry certification in a field closely related to the content area they will teach or demonstrate a minimum of 6,000 hours of professional experience in a field closely related to the content area they will teach; and
2. Complete an educator training program or courses approved by the Division of Career Technical Education.

Whether an industry certification or field of professional experience is closely related to the area to be taught will be as defined by the Division of Career Technical Education.

Xavier Charter School shall apply to the State Board of Education for a school-specific teaching certificate for any teacher it wishes to grant such a certificate to. The State Board of Education may refuse to issue or authorize a certificate to any applicant for any reason that would be grounds for revoking a certificate.

Teachers with a school-specific teaching certificate shall receive mentoring and professional development as approved by the Board of Directors and meet any other requirements imposed by the Board.

The Board of Directors may accept a school-specific teaching certificate issued by another charter school if the requirements to receive that certificate meet or exceed those of the Xavier Charter School’s specific teaching certificate.

Teachers holding school-specific teaching certificates must meet the same ongoing education and professional development requirements as teachers holding standard instructional certificates.

Holders of school-specific teaching certificates are required to comply with and conform to Idaho law and the Code of Ethics of the Idaho Teaching Profession.

Legal References:	I.C. § 33-103	Removal of Members — Cause
	I.C. § 33-1201 et seq.	Teachers
	I.C. § 33-2205	State Board to Appoint Administrator —
		Designation of Assistants — Division of
		Career Technical Education — Duties and
		Powers
	I.C. § 33-5206(6)	Requirements and Prohibitions of a Public
		Charter School
	IDAPA 08.02.02	Rules Governing Uniformity

Policy History:

Adopted on: March 16, 2023

Revised on:

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5105 Certified Personnel Employment

Definitions

Category 1 Certificated Employees: Certificated personnel hired on a limited one year contract after August 1st or the spouse of a Director hired under the limited provisions of Section 33-507(3), Idaho Code.

Category 2 Certificated Employees: Certificated personnel in the first and second years of continuous employment within the same charter school/school district.

Category 3 Certificated Employees: Certificated personnel in the third year of continuous employment by the same charter school/school district.

Renewable Contract Certificated Employees: With the exception of Interim Certificated holders, upon being offered a contract for a fourth full consecutive year of employment as a certificated teacher, certificated personnel may automatically renew their employment with Xavier Charter School, for the next school year, by timely returning their contract.

Xavier Charter School shall have the option to grant renewable contract status when it hires a certificated employee who had been on a renewable contract with another Idaho charter school/school district or who has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho. Alternatively, Xavier Charter School can place the certificated employee on a Category 3 contract.

Retired: Certificated personnel receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the State, hired as at-will employees. Retired school employee means any district employee employed as instructional staff, pupil service staff, or professionally endorsed staff and any staff holding a certificate as described in to 33-1210A, Idaho Code, as well as school bus drivers and resource officers.

Interim Certificate Holder: A certificated employee who holds an interim certificate while they pursue an alternate route to certification must complete at least nine semester credits annually toward the completion of their alternate route to certification and meet their annual progress goals toward the completion of the alternate route. Xavier Charter School may take action to terminate or non-renew a teacher with an interim certificate who fails to meet these requirements. Such termination or non-renewal shall be carried out in accordance with State law and administrative rules and Xavier Charter School policy. Personnel who hold an interim certificate and/or emergency authorization and have not been issued their five year renewable certificate shall not exceed a Category 3 Contract until conditions have been met.

Notice

1. Category 1 certificated employees' contracts are specifically offered for the limited duration of the ensuing school year, and no further notice is required by Xavier Charter School to terminate the contract at the conclusion of the contract year.
2. Category 2 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1st and are not entitled to a review of the reasons or decision not to reemploy by the Board.
3. Category 3 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1st and shall, upon written request, be given the opportunity for an informal review of such decision by the Board. The parameters for the informal review will be determined by the Board. Before the Board determines not to renew the contract for the unsatisfactory performance of Category 3 certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following at least one evaluation. In no case shall the probationary period be less than eight weeks. The probation shall be preceded by written notice from the Board, with the reasons for the probationary period and the areas of work which are deficient and with provisions for adequate supervision and evaluation of the employee's performance during the probationary period.
4. Contracts for all renewable contracted certificated employees shall be issued by July 1st. All employees on renewable contracts must timely return their contract. The employee's failure to timely return a renewable contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract. Before the Board determines not to renew the contract for the unsatisfactory performance of renewable contracted certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following an observation, evaluation, or partial evaluation. The probation shall be preceded by written notice from the Board, or its designee, with the reasons for the probationary period and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.
5. Contracts for retired teachers are specifically offered for the limited duration of the ensuing school year, and no further notice is required by Xavier Charter School to terminate the contract at the conclusion of the contract year.

Supplemental Contracts

An extra duty assignment is, and extra duty supplemental contracts may be issued for, an assignment which is not part of a certificated employee's regular teaching duties. A supplemental contract for extra duties shall be separate and apart from the certificated employee's underlying contract (Category 1, 2, 3 or renewable) and no property rights shall attach. A written notice of non-reissuance of the extra duty supplemental contract with a written statement of reasons shall be provided. Upon written request, the certificated employee shall be given the opportunity for an informal review of such decision by the Board. The parameters for the informal review will

be determined by the Board. The contract should be in a form approved by the State Superintendent of Public Instruction.

An extra day assignment is, and supplemental extra day contracts may be issued for, an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of Xavier Charter School. Such additional days may be in service of the same activities as the employee's regular teaching duties. Any such extra day contracts shall provide the same daily rate of pay and rights to due process and procedures as provided by the certificated employee's underlying contract (Category 1, 2, 3 or renewable). The contract shall be in a form approved by the State Superintendent of Public Instruction.

Delivery of Contract

Delivery of a contract may be made only in person, by certified mail, return receipt requested, or electronically, return receipt requested. If delivery is made in person, the delivery must be acknowledged by a signed receipt.

If Xavier Charter School delivers contracts via electronic means, with return electronic receipt, and the school has not received a returned signed contract and has not received an electronic read receipt from the employee, the school shall then resend the original electronically delivered contract to the employee via certified mail, return receipt requested, and provide such individual with a new date for contract return.

Return of the Contract

A person who receives a proposed contract from Xavier Charter School shall have 10 days from the date of delivery to sign and return the contract.

Failure to Accept or Acknowledge

Should a person willfully refuse to acknowledge receipt of the contract or if the contract is not signed and returned to the Board within the designated time period. Through this policy the Board delegates to the Head of Schools and/or designee the power, as the designee of the Board, to declare such position vacant should a signed contract not be returned within the designated period.

Cross References: 5340
6100

Evaluation of Certificated Personnel
Head of Schools

Legal References: I.C. § 33-507
I.C. § 33-513
I.C. § 33-514

I.C. § 33-514A
I.C. § 33-515

Limitation upon Authority of Trustees
Professional Personnel
Issuance of Annual Contracts – Support programs –
Categories of Contracts – Optional Placement
Issuance of Limited Contract – Category 1 Contract
Issuance of Renewable Contracts

I.C. § 33-515A	Supplemental Contracts
I.C. § 59-1302	Definitions
IDAPA 08.02.02.016	Idaho Interim Certificate
IDAPA 08.02.02.042	Alternate Routes to Certification

Policy History:

Adopted on: November 21, 2019

Revised on: March 18, 2021; September 16, 2021; September 15, 2022

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5110 Criminal History/Background Checks

It is the policy of Xavier Charter School not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or, in the case of current employees, may face disciplinary action up to and including termination.

It is the policy of this Charter School to perform criminal history checks as required by Idaho law and to perform other types of background checks on employees or volunteers including, but not limited to:

1. Contacting prior employers for references;
2. Contacting personal references; and/or
3. Contacting other persons who, in the discretion of the Charter School, could provide valuable information to the School.

Where a prior conviction is discovered, the Charter School will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought, or the person is employed. Any individual convicted of a felony offense listed in IC § 33-1208(2) shall not be hired.

If an applicant or employee makes any misrepresentation or willful omissions of fact about their prior criminal history, this misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

Any certificated employee who was hired prior to July 1, 2020 and has their teaching certificate revoked by the Professional Standards Commission due to the updated crimes listed in IC § 33-1208 shall be granted an informal review based on their contract category, as outlined in Policy 5105.

Initial Hires

In order to protect the health, safety, and welfare of the students of the Charter School, Idaho law requires the following employees to submit to criminal history checks. The list is to include, but is not limited to:

1. Certificated and non-certificated employees;
2. All applicants for certificates;
3. Substitute staff;

4. Individuals involved in other types of student training such as practicums and internships; and
5. All individuals who have unsupervised contact with students.

A criminal history check shall be based on a complete ten finger fingerprint card or scan and include, at a minimum, the following:

1. Idaho Bureau of Criminal Identification;
2. Federal Bureau of Investigation (FBI) criminal history check; and
3. Statewide sex offender registry.

Employees will be required to undergo a criminal history check no later than five days after starting employment or unsupervised contact with students, whichever is sooner.

The fee charged to an employee shall be \$40.00. All criminal history check records will be kept on file at the state department of education. A copy of the records will be given to the employee upon request.

Employee Arrest or Conviction

All employees shall have a continuing duty to notify the Charter School of any arrest, charge or criminal conviction that occurs subsequent to being hired by the School. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged, or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he or she is required to report such arrest promptly to the employee's supervisor or department head within one business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

Additionally, if an employee has a protection order served against him or her, the employee shall follow the same reporting requirements as outlined above.

Supervisors or department heads shall contact the Executive Director or designee upon receiving notification that an employee has been arrested or has a protection order served against him or her. The Charter School reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

The Charter School, at its discretion, may terminate or take other action against any employee that has either been convicted of one or more of the felony offenses set forth in IC § 33-1208 or made a material misrepresentation or omission on their job application.

Substitute Teachers

The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal history check every five years. If a substitute teacher has undergone a criminal history check within five years as a result of employment with another charter school, the Charter School may

in its sole discretion, not require a substitute to undergo a criminal history check. If the Charter School does desire a substitute teacher who has undergone a criminal history check within the last five years to undergo an additional criminal history check, the School will pay the costs of such check.

Other Employees

The Charter School may require that any employee be subjected to criminal history checks. If required, the School will pay the costs of such checks.

Volunteers

Any volunteer in the Charter School who has unsupervised contact with students or who volunteers regularly with the Charter School, as determined by the Executive Director or his or her designee, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the Charter School.

Any requirement of a volunteer to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If a volunteer has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Executive Director, who shall decide whether the volunteer is suitable to be in the presence of the students in the Charter School. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Contractors

The Charter School maintains a safe environment for students by developing a system that cross-checks all Charter School contractors or other persons who have irregular contact with students against the statewide sex offender registry.

Confidentiality

Outstanding warrants, criminal charges, and/or protective orders may be confidential. An employee who is provided access to such information relating to another employee shall ensure that the information remains confidential. If an employee discloses such information without authorization, the employee shall be subject to disciplinary action.

Legal Reference

Description

IC § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates
IC § 33-512	Governance of Schools
IC § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority

IC § 33-5211 Application of School Law – Accountability – Exception from State Rules
 IC § 74-106 Records Exempt from Disclosure
 IDAPA 08.02.04.300 Public Charter School Responsibilities Pub. L. 105-251 Volunteers for Children Act

Cross Reference	Description
5100	Hiring Process and Criteria
5100-P1	Hiring Process and Criteria
5100-P2	Hiring Process and Criteria
5100-F1	Hiring Process and Criteria - AUTHORIZATION FOR RELEASE OF INFORMATION
5100-F2	Hiring Process and Criteria - REQUEST TO EMPLOYER IDAHO CODE 33- 1210
5100-F3	Hiring Process and Criteria - REQUEST FOR VERIFICATION OF CERTIFICATE STATUS
5700	Substitutes
5725	Private Service Providers/Consultants

Policy History:

Adopted on: August 21, 2025

Reviewed on:

Revised on:

Xavier Charter Schools

PERSONNEL

Policy: 5120 Equal Employment Opportunity and Non-Discrimination

The Xavier Charter School shall provide equal employment opportunities to all persons, regardless of their race, religion, sex, age, marital status, military status, pregnancy, or disability, if otherwise able to perform the essential functions of the job with reasonable accommodations, and other legally protected categories.

The Xavier Charter School will make reasonable accommodation for an individual with a disability known to the Xavier Charter School if the individual is otherwise qualified for the position, unless the accommodation would impose an undue hardship upon the Xavier Charter School.

Inquiries regarding discrimination should be directed to the Title IX or Nondiscrimination Coordinator. Specific written complaints should follow the Uniform Grievance Procedure.

In compliance with federal regulations, the Xavier Charter School will notify annually all students and applicants of this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator.

Cross Reference: 5250
5100

Certificated Staff Grievances
Hiring Process and Criteria

Legal Reference: 8 USC § 1324(a), *et seq.*
20 USC § 1681-82, *et seq.*

Immigration Reform and Control Act
Title IX of the Education Amendments
of 1972
Implementing Title VII of Civil Rights Act
Pregnancy Discrimination Act - Employment
Policies Relating to Pregnancy and Childbirth

29 CFR Part 1601
29 CFR § 1604.10

29 USC § 206(d)

Equal Pay Act of 1963 -Prohibition of
Sex Discrimination

29 USC § 621-34
29 USC § 791, *et seq.*
34 CFR Part 106

Age Discrimination in Employment Act
Rehabilitation Act of 1973
Nondiscrimination on the Basis of Sex in
Education Programs or Activities Receiving
Federal Financial Assistance

42 USC § 12101, *et seq.*

Title I of the Americans with Disabilities
Act of 1990

42 USC § 2000(e), *et seq.*

Title VII of Civil Rights Act of 1964 (Equal
Opportunity Employment)

I.C. § 67-5909

State Government and State Affairs - Acts
Prohibited

U.S. Supreme Court Decision: Boystock v. Clayton County Georgia

Policy History:

Adopted on: October 22, 2015

Reviewed on: May 16, 2018; March 18, 2021

Revised on: January 16, 2020; November 19, 2020

Xavier Charter School

PERSONNEL

Policy: 5205 Job Descriptions

There shall be written job descriptions for all positions and for all employees of Xavier Charter School. The "job description" will describe the essential characteristics, requirements, and general duties of the job or position. All personnel shall be subject to the requirements delineated in the job descriptions so that they may effectively contribute to the goals and purposes for Xavier Charter School. The descriptions shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future, as in the past, to perform duties assigned by the Board, supervisors, or other administrative authority.

Once each year or as provided by Idaho Code, the supervisors of all employees shall confer with each person under his or her supervision to review the individual's work.

The evaluation shall be documented by use of Xavier Charter School evaluation form for classified or certified personnel. No evaluation should be signed before it is fully discussed by both the employee and the supervisor. One signed copy will be given to the employee and one signed copy will be given to the Business Manager to be maintained in the employee's personnel file.

Cross Reference:	5500	Personnel Files
Legal Reference:	I.C. § 33-514	Issuance of Annual Contracts
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-517	Non-Certificated Personnel

Policy History:

Adopted on: September 2012

Revised on: April 19, 2018; January 16, 2020

Reviewed on: March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5210 Work Day

Length of Work Day - Certified

The length of a work day for a certified employee shall be seven and one-half (7 1/2) hours for a full-time certified employee. The work day is generally exclusive of lunch and extracurricular assignments but inclusive of preparation time and assigned duties. Arrival time shall generally be one-half (1/2) hour before classes begin or as directed by the Head of Schools and/or designee.

Length of Work Day - Classified

The length of a classified employee's work day is governed by each employee's work agreement. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual's work agreement. The schedule will be established by the Lead Teacher and approved by the Head of Schools and/or designee.

Breaks

A daily morning and afternoon rest period of fifteen (15) minutes may be available to all classified full-time employees who work seven and one-half (7 1/2) hours or more a day. Classified hourly employees working less than seven and one-half (7 1/2) hours a day may take one (1) fifteen-(15)-minute rest period for each four (4) hours that are worked in a day. Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee's Lead Teacher.

Legal Reference: 29 USC 201 to 219 Fair Labor Standards Act of 1985
29 CFR 516, et seq. FLSA Regulations

Policy History:

Adopted on: September 2012

Revised on: July 21, 2014; April 19, 2018; March 18, 2021

Reviewed on: February 11, 2015

Xavier Charter School

PERSONNEL

Policy: 5212C Administrative Process for Employee Telework During Health Emergency

Xavier Charter School recognizes telecommuting as a voluntary work plan, agreed upon between Xavier Charter School and the employee, in which the employee works at an alternative worksite on a regular basis on a specific schedule.

1. Telecommuting is an accommodation and not a district-wide benefit; and it in no way changes the terms and conditions of employment.
2. Not all jobs within Xavier Charter School are suitable for telecommuting/teleworking.
3. The supervisor, in consultation with the Head of Schools or designee, will approve or deny telecommuting requests after considering several factors, including, but not limited to the following:
 - A. Whether the position suitable for telecommuting;
 - B. Whether the employee consistently demonstrates work habits that are well suited to telecommuting, including but not limited to self-motivation, self-discipline, the ability to work independently, a demonstrated commitment to effective use of technology, and a demonstrated record of meeting established performance expectations;
 - C. Whether the telework plan meets the needs of students and serves Xavier Charter School's business and operational needs;
 - D. Whether the employee has identified a sufficient basis to require an accommodation through a telework plan;
 - E. Whether the employee demonstrates a commitment to and assurance of providing students and colleagues with reliable, high quality, and efficient/timely service, commensurate with the needs of Xavier Charter School's strategic plan;
 - F. Whether the employee has a plan for overcoming any potential loss of impact on and benefit from personal interactions with colleagues and students; and
 - G. Whether the employee has a plan for addressing equity and adequacy of workloads among colleagues?
4. The employment relationship for an employee telecommuting stays the same as for employees not working from an alternative worksite. Compensation does not change, and the employee is expected to follow all existing job requirements, Xavier Charter School

policies, guidelines, and expectations that are in effect at the work site. In addition, the employee shall honor the following guidelines:

- A. The employee shall be available by phone and e-mail during normal work hours. Absences, including unavailability during work hours, must be pre-approved.
 - B. The employee shall promptly notify the supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.
 - C. The employee shall alter their schedule to attend mandatory meetings or other events that require a physical presence and/or as needed by the supervisor.
 - D. The employee shall assure the alternative worksite is adequate and safe and has sufficient phone service; a secure internet connection with enough speed to perform work; and that confidential information will be safeguarded.
 - E. The employee shall use, exclusively, the computer and software provided by Xavier Charter School as configured with security software by the school.
 - F. The employee shall have adequate dependent care arrangements in place to ensure the employee's ability to telecommute.
 - G. The employee shall report, at once, to their supervisor any injury that occurs at the alternative site during work hours.
 - H. The employee shall refrain from having in-person meetings or instruction at the alternative worksite unless pre-approved by their supervisor.
5. Supervisors will regularly check employee compliance with telecommuting agreement, relevant policies and guidelines, performance standards, expectations for work products, productivity, and time accountability.
6. Telecommuting plans are subject to change at the discretion of Xavier Charter School.

Policy History:

Adopted on: January 21, 2021

Revised on:

Reviewed on: March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5230 Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided a reasonable opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. Xavier Charter Schools will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Head of Schools and/or designee is designated the Americans with Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

1. Oversee Xavier Charter Schools' compliance efforts, recommend necessary modifications to the Board, and maintain Xavier Charter Schools' final Title II self-evaluation document and keep it available for public inspection.
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Head of Schools and/or designee if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 5250

Certified Staff Grievances

Legal Reference: 28 CFR Part 35

Nondiscrimination on the Basis of Disability
in State and Local Government Services

42 USC § 12111, *et seq.*, The Americans with Disabilities Act of 1990
& 12131, *et seq.*

Policy History:

Adopted on: September 2012

Reviewed on: February 11, 2015; April 19, 2018

Revised on: January 16, 2020; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5240 Sexual Harassment/Sexual Intimidation in the Workplace

According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors.

Xavier Charter School shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law. In addition, Head of Schools, and/or designee, and supervisors are expected to take appropriate steps to make all employees aware of the contents of this policy. A copy of this policy will be given to all employees.

Xavier Charter School employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating", "hostile", or "offensive" include, but are not limited to, conduct which has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX coordinator or an administrator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Investigation

When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to:

1. Protect the grievant from further harassment;
2. Discuss the matter with and obtain a statement from the accused and his or her representative, if any;
3. Obtain signed statements of witnesses;
4. Prepare a report of the investigation.

Confidentiality

Due to the damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with co-workers and/or other persons not directly involved in resolving the matter.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Cross Reference: 4120 Uniform Grievance Procedure
3085 Sexual Harassment, Discrimination and Retaliation Policy

Legal References: 20 USC § 1681 - 1682 Title IX of the Education Amendments of 1972
29 CFR § 1604.11 Sexual Harassment
42 USC § 2000(e), *et seq.* Title VII of the Civil Rights Act of 1964
I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on: September 2012

Revised on: February 11, 2015; April 15, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5250 Certificated Staff Grievances

It is the Board's desire that procedures for settling staff grievances be an orderly process within which solutions may be pursued. Further, that the procedures provide prompt and equitable resolution at the lowest possible administrative level. Additionally, it is the Board's desire that each employee be assured an opportunity for orderly presentation and review of grievances without fear of reprisal.

Termination of employment within the first 180 days of employment (probationary period employment) will not be grievable.

Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board approved Xavier Charter School policies.

Grievance Procedure

A certified staff member with a grievance is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment or violation of any other protected status should be discussed with the first line administrator that is not involved in the alleged harassment. This attempt at informal resolution is not a required component of the grievance policy but is suggested in an effort to attempt to resolve disputes informally.

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall file the written grievance with the Head of Schools and/or designee. The written grievance shall state:

1. The policy or policies the employee believes were violated;
2. The alleged date of violation;
3. The person(s) involved in the alleged violation; and
4. The remedy requested by the employee.

The written grievance must be filed with the Head of Schools and/or designee within ten working days of the date of the initial event allegedly giving rise to the grievance.

The Head of Schools and/or designee shall meet with the grievant and shall, at the discretion of the Head of Schools and/or designee, conduct whatever additional meetings or investigative activities the Head of Schools and/or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten working days, the Head of Schools and/or designee shall provide the grievant with a written response to the grievance of the certificated employee.

If the grievant is not satisfied with the decision of the Head of Schools and/or designee, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within five days of receiving the Head of Schools' and/or designee's decision. The Board is the policy-making body of Xavier Charter School, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Head of Schools and/or designee to the Board bears the burden of proving a failure to follow Board policy.

Upon receipt of a written appeal of the decision of the Head of Schools and/or designee, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting so long as received more than three days in advance of such meeting. If such is received within three days of such meeting, the Board may schedule a Special Meeting of the Board or alternatively such matter may be placed on the agenda for the next subsequently following Board Meeting. A decision shall be made and reported in writing to all parties within 30 days of that meeting. The decision of the Board will be final.

Grievances will be processed according to the step-by-step process outlined in the Uniform Grievance Procedure 4120, however, in the case where a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step and the process shall be modified as needed to meet the objectives of the Grievance Procedure. If a grievance is directly based on official Board action, the grievance shall be directed to the Clerk of the Board. The grievance may be heard by the Board at the sole discretion of the Board.

Cross Reference: 3085 Sexual Harassment, Discrimination and Retaliation Policy
 4110 Public Complaints
 4120 Uniform Grievance Procedure

Policy History:

Adopted on: September 2012

Revised on: February 11, 2015; November 21, 2019; January 16, 2020; April 15, 2021, April 17, 2025

Reviewed on: April 19, 2018, March 11, 2025

Xavier Charter School

PERSONNEL

Policy: 5260 Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Directors, employees and patrons of Xavier Charter School. It is of particular importance that employees within Xavier Charter School become knowledgeable and thoroughly educated as to their legal and ethical responsibilities on observation and reporting of suspected child abuse, child abandoned or child neglect. The supervisor shall review with staff the legal requirements concerning suspected child abuse at the commencement of each year.

"Abuse" is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling.....sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child abandonment or neglect.

"Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment. I.C. § 16-1602(2).

"Neglected" means a child: Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; See I.C. § 16-1602(25).

A Xavier Charter School employee who has reasonable cause to suspect that a student may be an abused, abandoned or neglected child or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment or neglect shall report or caused to be reported such a case to local law enforcement or the Department of Health and Welfare within twenty four (24) hours.

Xavier Charter School employees shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Head of Schools and/or designee, who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Idaho Code § 16-1605 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice is not entitled to

immunity from any civil or criminal liability that might otherwise be incurred or imposed. I.C. § 16-1606.

In addition, “any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.” I.C. § 16-1607

Any Xavier Charter School employee who fails to report a suspected case of abuse, abandonment or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Legal Reference: I.C. § 16-1605 Reporting of Abuse, Abandonment or Neglect
I.C. § 16-1606 Immunity
I.C. § 16-1607 Reporting in Bad Faith-Civil Damages
I.C. § 16-1602 Definitions

Policy History:

Adopted on: September 2012

Revised on: February 11, 2015; April 19, 2018; March 18, 2021

Xavier Charter Schools

PERSONNEL

Policy: 5265 Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

The personal safety and welfare of each child is of paramount concern to the Board of Directors, employees, and patrons of Xavier Charter School. It is of particular importance that employees within Xavier Charter School become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding intervention and reporting of student harassment, intimidation, and bullying.

Intervention

Xavier Charter School employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying.

Intervention shall be designed to:

1. Correct the problem behavior;
2. Prevent another occurrence of the problem;
3. Protect and provide support for the victim of the act; and
4. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Professional Development

Xavier Charter School shall provide ongoing professional development to assist school employees in preventing, identifying, intervening, and responding to harassment, intimidation, and bullying.

The content of ongoing professional development for Xavier Charter School employees shall include, but is not limited to:

1. School philosophy regarding school climate and student behavior expectations;
2. Definitions of harassment, intimidation, and bullying with specific examples;
3. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents;
4. Expectations and examples of staff intervention to harassment, intimidation, and bullying; and

5. School process for responding to harassment, intimidation, and bullying including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services, and parental involvement.

Student Discipline

When disciplinary action is necessary for students engaging in harassment, intimidation and bullying, employees shall follow relevant Xavier Charter School policies [3330 and 3340].

Reporting

Any Xavier Charter School employee who has witnessed, or has reliable information, that a student has been subject to harassment, intimidation or bullying, must report the incident to the designated school official in accordance with Xavier Charter School policy and procedure [3295 and 3295P].

Knowingly submitting a false report under this policy shall subject the employee to discipline up to and including termination.

The Head of Schools and/or designee shall be responsible for receiving complaints alleging student harassment, intimidation, and bullying and will ensure that documented complaints will be maintained as a confidential file in the Xavier Charter School office and reported as required by the State Department of Education.

Policy Distribution

The Head of Schools and/or designee shall annually distribute and review with employees the requirements, policies, and procedures to be followed concerning the handling of student harassment, intimidation, and bullying and shall include this information in employee handbooks. All new employees will be given these policies and procedures as part of their orientation program.

Cross Reference: 3295-3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
3330	Student Discipline
3340	Corrective Actions, Punishment and Denial of Enrollment

Legal References: I.C. § 18-917	Assault And Battery - Hazing
I.C. § 18-917A	Student Harassment – Intimidation – Bullying
I.C. § 33-1630	Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: December 9, 2015

Reviewed on: April 19, 2018

Revised on: November 19, 2020; March 18, 2021, August 21, 2025

Xavier Charter School

PERSONNEL

Policy: 5270 Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of Xavier Charter School business and required to comply and conform to the Idaho law and the Code of Ethics of the Idaho Teaching Profession.

In addition to the conduct enumerated in Idaho law and the Code of Ethics of the Idaho Teaching Profession, an employee should not dispense or utilize any information gained from employment with Xavier Charter School, accept gifts or benefits, or participate in business enterprises or employment which create a conflict of interest with the faithful and impartial discharge of the employee's Xavier Charter School duties. A Xavier Charter School employee may, prior to acting in a manner which may impinge on any fiduciary duty, disclose the nature of the private interest which creates a conflict. Care should be taken to avoid using, or avoid the appearance of using, official positions and confidential information for personal advantage or gain.

Further, employees should hold confidential all information deemed to be not for public consumption as determined by law and Board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Discretion should be employed even within Xavier Charter School's own network of communication.

School employees who are contacted by the media should direct such inquiries to the Head of Schools and/or designee.

Administrators and supervisors may set forth specific rules and regulations governing an employee's conduct on the job.

Personnel Conflict of Interest

It is not uncommon for Xavier Charter School to employ people who are related to one another or romantically involved with one another. However, it is inappropriate for one family member or romantic partner to have direct influence over the other's conditions of employment (i.e., salary, hours worked, shifts, evaluation, etc.).

For the purpose of this policy, family member or romantic partners are defined as spouse, domestic partner, daughter, son, parent, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, daughter-in-law, or son-in-law.

In any case, when employees are unsure about a potential conflict, they should fully disclose the circumstances in writing to their supervisor. If one family member or romantic partner has influence over another family member or romantic partner's conditions of employment, the following should occur:

1. In collaboration with the supervisor, the involved employees will be provided 30 days to make a decision regarding a change. Options include, but are not limited to:
 - A. One employee applying to transfer to another area; or
 - B. Revising the reporting structure in the department so that one employee no longer has direct influence over the other employee's conditions of employment.
2. If a decision is not reached by the end of the thirty-day period, the department head, or next level of administrator, will resolve the situation.

Nothing in this policy shall require the Head of Schools, and/or designee, or the Board, in the case when the conflict of interest directly relates to the Head of Schools and/or designee, to transfer an employee to a different position in an effort to avoid a conflict of interest if doing so would not be in the best interest of Xavier Charter School.

Insubordinate Conduct

In the educational setting there are high expectations for employee behavior. This is necessary to ensure effective and efficient operation of Xavier Charter School and to model and reinforce appropriate professional interactions for our students. Accordingly, employees shall treat all administrators and colleagues in an appropriate professional manner.

Employees shall comply with all work-related orders, instructions, and directives issued by a proper authority. Insubordination; manifest disrespect; acts or language which hamper(s) the school's ability to control, manage, or function; displays of unacceptable modeling of rules for students or staff; or any other serious breaches involving improper attitudes or improper action toward persons in positions of authority are just cause for and may result in employee discipline, up to and including possible termination.

Examples of improper conduct include, but are not limited to:

1. Disobeying an appropriate order, instruction or directive of a supervising employee or administrator;
2. Refusing to accept a reasonable and proper work assignment or directive of a supervising employee or administrator;
3. Disputing or ridiculing authority;
4. Exceeding authority; and/or
5. Using vulgar or profane language to a supervising employee or administrator.

Legal Reference: I.C. § 33-1208 Revocation, Suspension or Denial of Certificate – Grounds
Code of Ethics of the Idaho Teaching Profession

Policy History:

Adopted on: March 8, 2017

Reviewed on: April 19, 2018

Revised on: August 16, 2018; March 18, 2021

Xavier Charter School

STUDENTS

Policy: 5275 Adult Sexual Misconduct

This policy shall apply to all staff, contractors, and volunteers who have contact with students.

For the purposes of this policy, sexual misconduct is defined as any sexual activity directed at a student, regardless of age, with the purpose of developing a romantic or sexual relationship. It includes activities that are:

1. Physical and non-physical;
2. Conducted in person or through other modes of communication;
3. Conducted before, during, or after school;
4. On district property or elsewhere; and
5. Legal and illegal.

Illegal sexual misconduct is characterized by sexual contact between an adult and a child under the age of 18 and includes explicit sexual conduct, solicitation of a minor child to participate in a sexual act, sexual exploitation and dissemination of sexual material harmful to minors. Sexual misconduct also includes such inappropriate verbal conduct as sexual comments or questions, jokes, taunting, and teasing and such inappropriate physical conduct as kissing, hair stroking, tickling, and frontal hugging.

Sexual misconduct is prohibited. Staff and volunteers who engage in sexual misconduct shall be subject to disciplinary activity, including termination. They may also be reported to law enforcement and/or the Department of Health and Welfare, as described in policy 5260.

To avoid the appearance of impropriety, staff should avoid singling students out for personal attention such as frequent hugging or other physical contact; the giving of gifts; frequent compliments directed toward a particular student; overly personal cards, notes, or electronic communications; or teasing that references gender or contains sexual innuendo. Staff should take reasonable measures to avoid being alone with any student unless there is a legitimate, work-related need to be alone with the student. In cases such as before or after school tutoring, teachers may ask another teacher to be present in the classroom, or such tutoring may be conducted in a less private area with other adults present, such as in the school library.

The district recognizes that some student interactions occur outside the classroom. Xavier Charter School employees and volunteers should avoid the appearance of impropriety by refraining from the following behavior:

1. Conducting ongoing, private conversations with individual students that are unrelated to school activities or the well-being of the student and take place in locations inaccessible to others;
2. Inviting a student or students for home visits without informing parents;

3. Visiting the homes of students without the knowledge of parents;
4. Inviting students for social contact off school grounds without the permission or knowledge of the parents; and
5. Transporting students in personal vehicles without the knowledge of parents or supervisors.

Reporting Sexual Misconduct

Any staff member, contractor, or volunteer who has reasonable cause to believe a staff member, contractor, or volunteer has engaged in misconduct or that any other adult has engaged in sexual misconduct on district property or at a district event shall report the misconduct to his or her supervisor, who shall notify the Head of School and/or designee. The matter shall be investigated in accordance with Policy 3085. Investigation of any report of sexual misconduct shall include an investigation of whether the incident constitutes a violation of Title IX.

The individual with reasonable cause to believe sexual misconduct has occurred shall also report the incident in accordance with policy 5260, if applicable.

False Reports

Making a knowingly false report of sexual misconduct is prohibited and may result in the termination of a staff member or volunteer who makes such a report or in the suspension or expulsion of a student who makes such a false report.

Distribution of Policy and Training

This policy shall be posted on the district website and provided to all new employees upon hiring. The employee shall sign an acknowledgment indicating that they have reviewed a copy of this policy.

The district shall provide training on preventing and reporting sexual misconduct to all staff who have contact with students.

Cross References: 3085 Sexual Harassment, Discrimination and Retaliation Policy
 3290 Sexual Harassment/Intimidation of Students
 5240 Sexual Harassment/Sexual Intimidation in the Workplace
 5260 Abused and Neglected Child Reporting
 5325 Employee Use of Social Media Sites, Including Personal Sites

Legal References: 20 USC § 1681 - 1682 Title IX of the Education Amendments of 1972

Other References: US Department of Education: Office of Safe and Healthy Students Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, *A Training Guide for Administrators and*

*Educators on Addressing Adult Sexual Misconduct in the School Setting,
Readiness and Emergency Management for Schools* (March, 2017)
(available at <https://rems.ed.gov/docs/ASMTrainingGuide.pdf>).

Policy History:

Adopted on: April 15, 2021

Revised on:

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5280 Professional Standards Commission (PSC) Code of Ethics

The Code of Ethics for Idaho Professional Educators was developed by the Professional Standards Commission, approved by the Idaho State Board of Education, and approved by the Idaho Legislature.

Xavier Charter School’s professional educators are required to comply with the most current version of the Code of Ethics approved in IDAPA 08.02.02.076.

Legal References:

I.C. § 33-1208	Teachers - Revocation, Suspension, Denial, or Place Reasonable Conditions on Certificate—Grounds
I.C. § 33-1208A	Teachers - Reporting Requirements and Immunity
I.C. § 33-1209	Teachers - Proceedings to Revoke, Suspend, Deny or Place Reasonable Conditions on a Certificate
I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
I.C. § 33-5206(6)	Requirements and Prohibitions of a Public Charter School
IDAPA 08.02.02.076	Code of Ethics for Idaho Professional Educators
IDAPA 08.02.02.077	Definitions for Use with the Code of Ethics for Idaho Professional Educators
IDAPA 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: November 12, 2014

Revised on: February 11, 2015; February 16, 2023

Reviewed on: April 19, 2018; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5285 Solicitations

Solicitations by Staff Members

District employees will not sell, solicit for sale, advertise for sale for personal gain any merchandise or service nor will teachers organize students for such purposes without the approval of the Head of Schools and/or designee.

Solicitations of Staff Members

No non-school organization may solicit funds from employees or distribute flyers related to fund drives through the schools without the approval of the Head of Schools and/or designee.

Policy History:

Adopted on: September 2012

Revised on: March 2015; March 18, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5290 Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of Xavier Charter School may seek an elective office, or advocate for or against a political candidate or ballot measure, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. "Ballot measure" includes, but is not limited to, bond or levy elections.

No person may attempt to coerce, command or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No Xavier Charter School employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a Xavier Charter School employee to express his personal political views.

Legal Reference: 5 USC 7321, et seq. Hatch Act
I.C. § 74-601 Public Integrity in Elections Act
Idaho Constitution Article III, Section 1

Policy History:

Adopted on: September 2012

Revised on: February 2015; November 15, 2018

Reviewed on: April 19, 2018; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5310 Tobacco Free Policy

Xavier Charter School maintains tobacco free buildings and grounds. Use of tobacco will not be allowed in any buildings or grounds, or on any school property, buses, vans, or vehicles that are owned, leased, or controlled by Xavier Charter School. Nor will employees be allowed to use tobacco while on duty. New employees of Xavier Charter School will be hired with the understanding that they will be directed not to use tobacco in school buildings or grounds or on any school property, buses, vans, or vehicles that are owned, leased, or controlled by Xavier Charter School. Limitations or prohibitions on tobacco use are applicable to all hours.

Definition

For the purposes of this policy, tobacco use shall be defined as the use of a cigarette, cigar, pipe, smokeless tobacco in any form, and other smoking products specifically including electronic cigarettes, electronic nicotine delivery systems, or vaporizer smoking devices.

Legal Reference: I.C. § 39-5501 et seq. Clean Indoor Air Act

Policy History:

Adopted on: September 2012

Revised on: February 18, 2014; February 11, 2015

Reviewed on: April 19, 2018; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5320 Drug-Free Workplace

Purpose

Xavier Charter School is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public.

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs is unacceptable.

Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

All School workplaces are drug- and alcohol-free workplaces. All employees are prohibited from:

- a. Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on School premises or while performing work for Xavier Charter School;
- b. Distribution, consumption, use, possession, or being under the influence of alcohol while on School premises or while performing work for Xavier Charter School.

As a condition of employment, each employee shall:

- a. abide by the terms of Xavier Charter School policy respecting a drug- and alcohol-free workplace; and
- b. notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the School premises or while performing work for Xavier Charter School, no later than five (5) days after such a conviction.

Definitions as Used in This Policy

1. "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful. Such term does not include the use of a drug taken under the supervision by a licensed health care professional.
2. "Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act.
3. "Conviction" means a finding of guilt, including a plea of no-contest, or imposition of

sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

4. "Criminal Drug Law" means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance. 5. Controlled Substance- means any drug or substance this is: 1. Not legally obtainable; 2. Being used in a manner different than prescribed; 2. Legally obtainable, but has not been legally obtained; or 4. Referenced in federal or state controlled substance acts.

Confidentiality

Records that pertain to Xavier Charter School's employee required substance screens are recognized to be private and sensitive records. They shall be maintained by the Head of Schools and/or designee in a secure fashion to insure confidentiality and privacy and be disclosed to the Medical Review Officer only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Medical Review Officer shall maintain any such records in a secure fashion to insure confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Idaho law and used with the highest regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug free workplace. All Personnel records and information regarding referral, evaluation, substance screen results, and treatment shall be maintained in a confidential manner and no entries concerning such shall be placed in an employee's personnel file.

Pre-Employment Testing

All applicants being considered for employment positions shall be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions which require testing shall be given a copy of this Policy in advance of the post-offer, pre-employment physical.

Applicants must acknowledge having read or had this Policy explained to them and should understand that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Head of Schools, and/or designee, and Director of Human Resources. An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with Xavier Charter School, and such will be considered as a withdrawal of the individual's application for employment. The applicant shall not be permitted to reapply for employment with Xavier Charter School for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use.

If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the Head of Schools and/or designee

and/or Director of Human Resources. If the first or any requested second confirming test is positive, any job offer shall be revoked.

Drug and Alcohol Abuse Testing Procedures

- a. Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of external applicants for safety-sensitive positions with Xavier Charter School as well as current Xavier Charter School employees.
- b. Program Responsibility. Xavier Charter School Director of Human Resources has the overall responsibility for this program.
- c. Designation of Medical Review Officer. Xavier Charter School has designated the Business Manager, as the Medical Review Officer (MRO). The Medical Review Officer will be responsible for reviewing the results of drug tests before they are reported to the Director of Human Resources; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive; conducting an interview with the individual testing positive; reviewing the individual's medical history and medical records made available to the individual to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the MRO deems it necessary; and verifying that the laboratory report and the specimen are correct. The MRO is expected to follow the Medical Review Officer Manual published by the U.S. Department of Health and Human Services for tests conducted under this Policy.

If the MRO determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will conclude that the test is negative and will not take any further action. If the MRO concludes that a particular test is scientifically insufficient, the MRO will conclude that the test is negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test other than use of a prohibited drug, the MRO will communicate the test results as a positive to the Directory of Human Resources. The results of negative tests will be communicated by the MRO to the Director of Human Resources.

Any employee or prospective employee, who has a positive test result, may request that the same sample be retested by a laboratory mutually agreed upon by the employee and Xavier Charter School.

- d. Designation of Laboratory. St. Luke's Occupational Health has been selected to perform the testing on specimens submitted. St. Luke's Occupational Health will be responsible for performing the required drug test in accordance with applicable federal and state laws, and, more specifically, as contained in this policy. St. Luke's Occupational Health will also be responsible for properly handling

specimens for alcohol testing. St. Luke's Occupational Health is a certified lab approved for drug testing.

- e. Collection Site. St. Luke's Occupational Health, is the designated collection site for collecting urine specimens.
- f. Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the MRO and the Director of Human Resources about the required drug and/or alcohol test.
- g. Specimen Retention. The retention of specimens for possible future analysis is the responsibility of St. Luke's Occupational Health will retain all specimens for a minimum period of one (1) week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one (1) year. Within this one (1) year period, the person tested, the MRO, or the Director of Human Resources can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one (1) year period, the sample may be discarded.

Any transfer of the original specimen to another laboratory for reconfirmation of positive results will follow the chain of custody procedures described in the policy.

- h. Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the MRO within an average of five (5) days after receiving the specimens. The MRO will review the individual's medical history, questionnaire, relevant bio-medical information, and interview the person to determine if there is any satisfactory explanation for the positive result. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.

The MRO will advise the Director of Human Resources of any positive test results on external applicants where alcohol and drug testing has been required and where, in the view of the MRO, there is not legitimate medical explanation for the confirmed positive test result other than the unauthorized use of an illegal drug.

The MRO will advise the Director of Human Resources of any positive drug or alcohol test results on employees that were done for any reason in order that proper disciplinary actions can be coordinated and will advise the Director of Human Resources of negative test results.

- i. Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the functions of the employee, the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the MRO or at the Director of Human Resources' discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results are confidential and will be released by the MRO and the Director of Human Resources only upon the written consent of the individual, except that results may be released and relied upon by Xavier Charter School in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

- j. Collections of Specimens. Specimens will be collected in accordance with Federal and State laws which are incorporated herein by reference, with the exceptions as noted in this policy. At least 30 ml of urine will be required to complete the test, or the test will be rejected and must be re-performed. The designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a source of water for washing hands.

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. Examples of reasonable cause to believe a specimen will be altered or substituted include: the presentation of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F) and presentation of a specimen with a specific gravity of less than 1.0003.

General Drug Testing Procedures

1. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse.
2. Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.
3. Applicants will be asked to sign an authorization for the tests which will release the MRO to disclose the results of the drug and alcohol test to the Head of Schools and/or designee. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, the Medical Review Officer will suspend testing procedures and refer to the Head of Schools and/or designee.

4. The MRO will review the analytical results of the drug and alcohol tests, the individual's medical history questionnaire, and relevant biomedical information and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.
5. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary. The MRO will advise the Head of Schools and/or designee of any positive test results where there is not a legitimate explanation for the positive test.
6. The MRO will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the MRO or the Head of Schools and/or designee to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the MRO and, upon request, to provide the MRO with evidence of all drugs taken by prescription.
7. In the event of a positive test where there is not a legitimate medical explanation, the Head of Schools and/or designee will advise the applicant in accordance with the Drug-Free Workplace Substance Abuse Policy of the conditions that must be met before the individual could again be considered for employment with Xavier Charter School.
8. The designated safety-sensitive positions subject to testing are: Head of Schools, assistant Head of Schools, teacher, traveling teacher, teacher aide, substitute teacher, school secretary, and school bus driver.
9. Reasonable Suspicion Testing - This testing will be conducted for any employee whenever the Board, through the Head of Schools and/or designee and/or the MRO suspects that there is a violation of Xavier Charter School Drug-Free Workplace Substance Abuse Policy. The guidelines for determining reasonable suspicion, as noted above, will be followed.
10. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the MRO or school administrator should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.
11. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.
12. Once the procedure has been completed, the employee should be transported back to the MRO or school administrator's office where the employee will be placed on

administrative leave with pay until the results of the tests are available and given instructions to call the Director of Human Resources each workday, before the normal reporting time for that employee, for further instructions.

13. If the employee refuses to sign the release or refuses to be tested by St. Luke's Occupational Health, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Director of Human Resources' office. The MRO and/or school administration will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.
14. If the MRO or school administration feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, MRO or school administrator should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.
15. In the event of positive test results, the MRO or school administrator will then review other records of the employee and work out proper disciplinary procedures, if any, in accordance with Board policy and state law.
16. Promotion and Transfer Testing - Once an employee has applied for a safety-sensitive position within Xavier Charter School that requires drug and alcohol testing and has successfully completed the written and skills testing being administered for that job, then the employee is considered as one of the qualified applicants for the position and will be subject to the drug and alcohol testing procedures. Up to this point an applicant can withdraw from consideration for the position without sanctions. The MRO or school administration will notify the employee on the day the testing is to be accomplished as to the time for the employee to be at the designated collection site. Since this testing will be done before or after the employee's normal working hours, the employee must be contacted before the end of that employee's shift. Employees should be tested as soon after their shift as possible.
17. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the MRO or school administration, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.
18. An employee can be discharged for work-related misconduct as provided in I.C. 72-1366, for the following reasons:

- a. 1. A confirmed positive drug and/or alcohol test, with a test result of not less than .02 BAC, but greater than the level specified herein;
 - b. 2. The employee refusing to provide a sample for testing purposes;
 - c. 3. The employee altering or attempting to alter a test sample by adding a foreign substance; or
 - d. 4. The employee submitted a sample that is not his/her own.
19. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Director of Human Resources in the event an employee refuses to test or does not show for testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will then review other records of the employee and contact the Head of Schools and/or designee to work out proper disciplinary procedures, if any, in accordance with Board policy and state law.
20. Return to Duty Testing - This testing will apply when an employee who has been given an opportunity for rehabilitation for drugs and or alcohol is returned to duty. Prior to the employee coming back on the job, the employee must be examined by the MRO and a drug and/or alcohol test done which shows negative results. The School administration may consult with the MRO and the rehabilitation program officials to determine an appropriate follow-up testing program following Board policy and prepare a follow-up program which will include, among other things, the appropriate period for testing as determined.
21. This Agreement must be signed by the employee before the employee is allowed to return to the job.
22. All testing done as a result of the above conditions will be conducted in accordance with the procedures contained herein for drug testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will contact the Head of Schools and/or designee to work out disciplinary procedures, if any, in accordance with Board policy and state law.
23. Changes to Procedures - This procedure may be amended from time to time to facilitate changes in Xavier Charter School's Drug Free Workplace Substance Abuse Policy as necessary.

Employee Conduct

Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances, including but not limited to marijuana, heroin, or cocaine.

1. Illegal drugs

- a. Employees shall not engage in the illegal use of drugs at any time, and such use will not be tolerated. Further, employees on duty, or on Xavier Charter School property, or in attendance at system-approved or school-related functions will not manufacture, distribute, dispense, possess, or use illegal drugs or drug paraphernalia, nor will they be under the influence of such drugs.
- b. An employee convicted of any criminal drug law shall notify Xavier Charter School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, Xavier Charter School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.
- c. Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces Xavier Charter School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in Xavier Charter School's operations; the nature of the criminal offense; the nature of the employee's job with Xavier Charter School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with Xavier Charter School.

2. Alcohol and Drugs

Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs, when abused over time or used in combination with one another, can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions:

- a. Employees on duty, or on Xavier Charter School property, or in attendance at system-approved or school-related functions must not be under any degree of intoxication or odor from alcohol. Employees shall not manufacture, sell, or use alcoholic beverages or possess open alcoholic beverage containers while on duty, or on Xavier Charter School property, or in attendance at system-approved or school-related functions.

- b. Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician and shall not use prescribed drugs for purposes other than those for which they are intended.
- c. An employee convicted of any criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs shall notify Xavier Charter School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the Xavier Charter School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.
- d. Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces Xavier Charter School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in Xavier Charter School's operations; the nature of the criminal offense; the nature of the employee's job with Xavier Charter School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with Xavier Charter School.

Physical Examination/Screening Based Upon Reasonable Suspicion

Whenever the Board, through its Director of Human Resources or its authorized designee, and/or the Head of Schools and/or designee, reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by illegal drugs or alcohol or that an employee has otherwise violated Xavier Charter School's Drug-Free Workplace Substance Abuse Policy, the employee may be required to submit a breath, saliva, urine and/or blood sample for drug and alcohol testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that the employee is in violation of the Drug-Free Workplace Substance Abuse Policy, the supervisor shall notify the Director of Human Resources.

An employee who is required to submit to drug/alcohol testing based upon reasonable suspicion and refuses shall be charged with insubordination, and necessary procedures will be taken to terminate the employee in accordance with Board policy and state law.

An employee who tests positive on a reasonable suspicion test will be in violation of this policy. Violation of this policy shall constitute grounds for termination in accordance with Board policy and state law.

Xavier Charter School's Director of Human Resources or authorized designee, or the Head of Schools and/or designee are the only individuals in Xavier Charter School authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and are the only individuals who may order an employee to submit to a drug screen.

Two types of cases for which reasonable suspicion procedures may be invoked are:

1. Chronic Case - Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or drugs may be reasonably suspected as the cause.
2. Acute Case - Appearing in a specific incident or observation to then be under the present influence of alcohol and/or drugs or investigation of an accident where the use of alcohol or drugs is reasonably suspected to be a contributing cause.

Circumstances under which substance screening may be considered, in either the chronic or acute cases, include but are not limited to the following:

- a. Observed use, possession, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
- b. Apparent physical state of impairment of motor functions.
- c. Marked changes in personal behavior not attributable to other factors.
- d. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
- e. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violations of drug statutes.

The circumstances under which substance screening may be considered, as outlined above, are strictly limited in time and place to employee conduct on duty or during work hours, or on or in Xavier Charter School property, or at school system-approved or school-related functions.

Prior to substance screening, employees must sign an acknowledgment that the summary result will be transmitted to the Head of Schools and/or designee and Xavier Charter School Director of Human Resources. Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in the Drug and Alcohol Abuse Testing Procedures contained in this policy. A breath analysis test will be performed by a certified Breath Alcohol Technician who is an employee of Xavier Charter School.

Promotion and Transfer Testing

When an employee applies for a position through Xavier Charter School's selection process, the employee shall be subject to drug testing in accordance with the procedures contained in this policy before the employee will be considered a valid candidate for that job opening. An employee who tests positive for illegal drugs on a promotion/transfer test will no longer be considered an applicant for that position. Such employee will also be in violation of this policy. Violation of this policy will constitute grounds for immediate termination in accordance with Board policy and state law, where applicable.

An employee may withdraw the application for the position at any time up until the employee is scheduled for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if that employee refuses to submit to the test, he/she will be disqualified for consideration for the position and will be considered as being insubordinate and subject to discipline. Under no circumstances shall this employee be considered as a viable candidate for any future openings in this classification until the employee has signed a release for drug testing.

Post-Accident Testing

Drivers involved in a motor vehicle accident which involves either a fatality or the issuance of a citation for a moving violation to Xavier Charter School employee (if operating a vehicle involved in the accident), will be tested for alcohol misuse and controlled substance abuse.

The driver will contact Xavier Charter School at the time of the accident unless he or she is physically impaired as a result of the accident. Xavier Charter School will contact the testing lab. The testing lab will specify where the alcohol and/or controlled substance testing is to be completed.

If a driver is not able to produce enough breath to test for alcohol using a state approved breath analyzer, a blood test may be done for alcohol.

Law enforcement officials may require a driver involved in an accident to submit to tests administered as part of their jurisdiction. For purposes of this policy, only the test results provided by Xavier Charter School testing laboratory will be accepted.

Failure of an employee to submit to testing for either alcohol and/or controlled substance will be considered a positive test and will be determined as cause for disciplinary action.

Testing for alcohol must be done within eight (8) hours of the time of the accident. Testing for controlled substances must be done within thirty-two (32) hours of the time of the accident.

The driver subject to post-accident testing must refrain from consuming alcohol for either eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first. Failure to do so will constitute a positive test result and will be determined as cause for disciplinary action.

Opportunity to Contest or Explain Test Results

Employees or job applicants who have a positive confirmed test result may explain or contest the result to the Head of Schools and/or designee within five (5) working days after the Head of Schools and/or designee contacts the employee or job applicant and shows him/her the positive test result as it was received from the laboratory in writing.

Return to Duty Testing

An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the MRO. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The MRO and/or school administration is to review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The MRO and/or school administration may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall such screening be ordered by the MRO and/or school administration more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing that has a confirmed positive drug test shall be in violation of this policy. Violation of this policy shall constitute grounds for immediate termination in accordance with Board policy and state law.

Inspections

Employees may be assigned Xavier Charter School-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of Xavier Charter School and personnel. Employees have no expectation of privacy in any of these locations nor any personal belongings which they may place in such areas.

Whenever the Board reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, the Board may search the employee, the employee's locker, desk or other Xavier Charter School property under the control of the employee.

Whenever the Board reasonably suspects that an employee has sold, purchased, used or possessed alcohol, drugs or drug paraphernalia on Xavier Charter School premises, the Board may inspect the employee, the employee's locker, desk or other Xavier Charter School property under the control of the employee.

Inspections under this policy are limited to investigations into work-related misconduct and offenses. Any searches for law enforcement purposes must comply with all applicable state laws.

Refusal to Test

The following constitutes refusal to test:

1. Refusing to sign any of the following forms:
 - a. Statement that a copy of alcohol and controlled substance testing procedures and policy has been given.
 - b. Statement that alcohol and controlled substance testing procedures and policy has been explained.
 - c. Agreement to be tested according to the alcohol and controlled substance testing procedures and policy.
 - d. Refusal to provide pre-employment history of alcohol misuse and controlled substance abuse.
 - e. Failure to give permission to contact previous employers or approve the release of any alcohol and/or controlled substance test results involving said employee.

2. The following constitutes alcohol testing refusals:
 - a. Refusal by any employee to complete and sign the breath alcohol testing form.
 - b. Failure to provide adequate breath without a valid medical explanation in writing.
 - c. Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.

3. The following constitutes controlled substance testing refusals:
 - a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
 - b. Conduct that clearly obstructs testing procedures.
 - c. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing.

Xavier Charter School Action Upon Violation of Policy

Employees in violation of the provisions of this policy shall be subject to disciplinary action up to and including termination. The fact that an employee has been referred for assistance and his/her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days after receiving notice of the conviction.

Should Xavier Charter School employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Head of Schools and/or designee shall notify the appropriate state or federal agency from which Xavier Charter School receives contract or grant moneys of the employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: Drug Free Workplace Act of 1988
I.C. § 72-1701 through 72-1716

Policy History:

Adopted on: July 2012

Revised on: June 10, 2015; May 16, 2018; March 18, 2021

Xavier Charter School

PERSONNEL

Policy: 5320F2 Drug and Alcohol Abuse Testing Agreement

DRUG AND ALCOHOL ABUSE TESTING AGREEMENT

I agree to be tested according to the drug and alcohol testing policy and procedures.

I understand that agreeing to be tested according to the drug and alcohol testing policy and procedures is a condition of employment and continuing employment by Xavier Charter School.

I understand that if I have questions, at any time, regarding the Drug and Alcohol Abuse Testing Policy and Procedures, I will consult the Head of Schools and/or designee.

I understand that refusal to sign this document constitutes a refusal to test and the Head of Schools and/or designee will follow the Drug and Alcohol Abuse Testing Policy and Procedures regarding a refusal to test in accordance with Board policy and state law.

Employee Signature

Employee Printed Name

Date

Policy History:

Adopted on: September 2012

Revised on: June 10, 2015; March 18, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5320P Drug and Alcohol Free Workplace Program and Procedures

Drug and Alcohol Testing Program

Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of applicants for positions with Xavier Charter School as well as current Xavier Charter School employees.

Program Responsibility. The Head of Schools and/or designee has the overall responsibility for this program and will be responsible for reviewing the results of drug tests; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; conducting an interview with the individual testing positive to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the Head of Schools and/or designee deems it necessary; and verifying that the laboratory report and the specimen are correct.

Any employee or prospective employee, who has a positive test result, may request that the same sample be retested by a laboratory mutually agreed upon by the employee and Xavier Charter School.

Collection Site. The collection site will be determined by the Board at the annual meeting.

Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist in completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the Head of Schools and/or designee about the required drug and/or alcohol test.

Refusal to Test. The following constitutes refusal to test:

- a. Refusing to sign any of the following forms:
 - 1) Statement that a copy of alcohol and drug testing procedures and policy has been given and explained.
 - 2) Agreement to be tested according to the alcohol and drug testing procedures and policy.
- b. The following constitutes alcohol testing refusals:
 - 1) Refusal by any employee to complete and sign the breath alcohol testing form.
 - 2) Failure to provide adequate breath without a valid medical explanation in writing.
 - 3) Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.
- c. The following constitutes drug testing refusals:

- 1) Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
 - 2) Conduct that clearly obstructs testing procedures.
- d. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing.

Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the Head of Schools and/or designee within five (5) business days after receiving the specimens.

Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least seven (7) years. Information regarding an individual's drug testing results is confidential and will be released by the Head of Schools and/or designee in accordance with State law.

Drug and Alcohol Abuse Testing Procedures for Job Applicants

1. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.

2. Applicants will be asked to sign an authorization for the tests which will release the Head of Schools and/or designee to disclose the results of the drug and alcohol test. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, the Head of Schools and/or designee will suspend the procedures at that point.

3. The Head of Schools and/or designee will review the analytical results of the drug and alcohol tests, and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.

4. The Head of Schools and/or designee may require the original specimen to be reanalyzed if necessary.

5. The Head of Schools and/or designee will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the Head of Schools and/or designee to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the Head of Schools and/or designee and, upon request, to provide the Head of Schools and/or designee with evidence of all drugs taken by prescription.

Drug and Alcohol Testing of Current Employees Reasonably Suspected of Drug or Alcohol Abuse

1. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Head of Schools and/or designee should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

2. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

3. Once the procedure has been completed, the employee should be transported back to the Head of Schools' and/or designee's office where the employee will be placed on administrative leave with pay until the results of the tests are available.

4. If the employee refuses to sign the release or refuses to be tested by St. Luke's Medical Center, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Head of School's office. The Head of Schools and/or designee will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.

5. If the Head of Schools and/or designee feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, the Head of Schools and/or designee should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

6. In the event of positive test results, the Head of Schools and/or designee will review other records of the employee and work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

7. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the Head of Schools and/or designee, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

8. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug

testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Head of Schools and/or designee in the event an employee refuses to test or does not show for testing. In the event of positive test results, the Head of Schools and/or designee will then review other records of the employee work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

Legal Reference: Drug Free Workplace Act of 1988
I.C. 72-1701 through 72-1716

Policy History:

Adopted on: August 2012

Revised on: May 10, 2015; March 18, 2021

Reviewed on: April 19, 2018

Xavier Charter School

PERSONNEL

Policy: 5325 Employee Use of Social Media Sites, Including Personal Sites

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

Protect Confidential and Proprietary Information

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

Do not use District's Name, Logos or Images

Employees shall not use Xavier Charter School logos, images, iconography, etc. on personal social media sites. Nor shall employees use the Xavier Charter School name to promote a product, cause, political party, or political candidate. Nor shall employees use personal images of students, names or data relating to students, absent written authority of the parent of a minor or authority of an adult or emancipated student.

Respect District Time and Property

Employees will use e-mail and social media for personal purposes only during non-work times, such as during lunch or before or after school. Employees are prohibited from downloading the TikTok app or visiting the TikTok website on any district device or using internet access provided by Xavier Charter School. Any use of permissible social media sites must occur during times and places that the use will not interfere with job duties, negatively impact job performance, or otherwise be disruptive to the school environment or its operation.

On Personal Sites

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

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

Keep Personal and Professional Accounts Separate

Staff members who decide to engage in professional social media activities will maintain separate professional and personal accounts. Staff members will not use their district email address for personal social media activities. Use of district email for this purpose is prohibited and will be considered a violation of district policy that may result in disciplinary action.

Contact with Students

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

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

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

Failure to maintain only a professional relationship with students, both inside and outside of a classroom setting, including interaction via social networking websites of any nature, e-mailing, texting, or any other electronic methods will result in the required reporting of such conduct to the Professional Standards Commission by the Head of Schools and/or designee and/or the School Board.

Rules Concerning District-Sponsored Social Media Activity

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

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

Recommended Practices for Use of Social Media Sites, Including Personal Sites

Think Before Posting: Privacy does not exist in the world of social media, therefore the district recommends that employees consider what could happen if a post becomes widely known or how that may reflect on the poster, the district, or its patrons. Search engines can turn up posts years after they are created and comments can be easily forwarded or copied. If you would not say it at a Board Meeting or to a member of the media or a colleague, consider the propriety of posting it online.

Be Respectful: Posts should be considered carefully in light of how they would reflect on the poster, colleagues, the district, and its students, patrons, and employees.

Remember Your Audience: Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes students, fellow employees, and peers.

Consider this before publishing to ensure the post will not unnecessarily alienate, harm, or provoke any of these groups.

Have a Plan: Employees should consider their messages, audiences, and goals as well as their strategy for keeping information on social media sites up to date, accurate, and in the best interest of the students.

Protect the District Voice: Posts on district affiliated social media sites should protect the district's voice by remaining professional in tone and in good taste. Carefully consider the naming of pages or accounts, the selecting of pictures or icons, compliance with district policy and State and federal laws with regard to student and employee confidentiality and the determination of content.

Protect Confidential and Proprietary Information: Employees shall not post confidential or proprietary information about Xavier Charter School, its employees, students, agents or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by Xavier Charter School.

Do Not Use Xavier Charter School Name, Logos, or Images: Employees shall not use Xavier Charter School logos, images, iconography, etc. on personal social media sites. Nor shall employees use Xavier Charter School name to promote a product, cause or political party or political candidate.

Respect Xavier Charter School Time and Property: Xavier Charter School computers and time on the job are reserved for Xavier Charter School-related business. Employees shall not use Xavier Charter School time or property on personal social media sites.

On Personal Sites: If you identify yourself as a Xavier Charter School employee online, it should be clear that the views expressed, posted or published are not necessarily those of Xavier Charter School.

Cross Reference: 3570
5335

Student Records
Employee Use of Electronic Communication
Devices

Legal Reference: 20 USC § 1232g
I.C. § 18-6726

Family Education Rights and Privacy Act
TikTok Use by State Employees on a State-Issued
Device Prohibited
Code of Ethics for Idaho Professional Educators
Definitions for Use with the Code of Ethics for Idaho

IDAPA 08.02.02.076
IDAPA 08.02.02.077
Professional Educators

Policy History:

Adopted on: August 2012

Revised on: May 13, 2015; July 20, 2017; November 16, 2017; June 21, 2018; June 17, 2021;
June 10, 2023

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5330 Employee mail and On-line Services Usage

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

Staff may comply with the computer use policies of the district and the district's educational goals, use approved internet sites throughout the curriculum.

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

Uses

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

Unacceptable Uses of Network

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

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

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

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

The Internet Safety Coordinator will hear staff claims that the district internet filtering system has denied access to internet material that is not appropriate or within the prohibitions of district policy. The Internet Safety Coordinator will determine whether these materials should be unblocked, and direct them to be unblocked when appropriate. If a staff member disagrees with the decision of the Internet Safety Coordinator, they may appeal the decision to the Head of Schools and/or designee.

Records

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

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

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

Privacy

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

Internet Access Conduct Agreements

Each staff member will be required to sign the policy 5330F Employee mail and Online Services Usage Policy Acknowledgement upon the adoption of this policy or upon hiring.

Warranties/Indemnification

Xavier Charter School makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the internet provided under this policy. Xavier Charter School is not responsible for any unauthorized charges or fees resulting from access to the internet, and any user is fully responsible to Xavier Charter School and shall indemnify and hold the district, Its Directors, administrators, teachers and staff harmless from any and all loss, costs, claims or damages resulting from such user's access to its computer network and the internet, including but not limited to any fees or charges occurred through purchases of goods or services by the user.

Violations

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

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

Legal Reference: I.C. § 18-6726 TikTok Use by State Employees on a State-Issued Device Prohibited
 Idaho Executive Order 2022-06
 Board of County Com'rs v. Idaho Health Fac. Auth., 531 P.2d 588 (1975)

Other Reference: Idaho Attorney General Opinion No. 95-07 ("What are the limitations on loaning and/or sharing State of Idaho employees or facilities to or with private charitable foundations?") (available at: <https://www.ag.idaho.gov/content/uploads/2017/12/1995.pdf>)

Policy History:

Adopted on: February 2012

Revised on: May 13, 2015; January 16, 2020; June 17, 2021; June 10, 2023

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5330F Employee mail and Online Services Usage Policy Acknowledgment

I have read and been informed about the content, procedures, and expectations of the Employee Email and Online Services Usage Policy. I have received a copy of the policy and agree to abide by the guidelines as a condition of employment and continuing employment by Xavier Charter School.

Employee Signature

Employee Printed Name

Date

Policy History:

Adopted on: September 2012

Reviewed on: June 21, 2018

Revised on: June 17, 2021; June 10, 2023

Xavier Charter School

PERSONNEL

Policy: 5335 Employee Use of Electronic Communications Devices

The Board recognizes that employees may carry electronic communications devices either Xavier Charter School-issued or personally owned and hereby adopts this policy.

District-Issued Communications Devices

Communication devices issued by Xavier Charter School may include, for example, cellular telephones, walkie-talkies, laptop computers; and citizens band radios, either installed in vehicles or hand-held.

Before they are issued a mobile computing device, each staff member must submit an executed Mobile Computing Device Agreement and the Employee Email and Online Services Usage Acknowledgment Agreement. Each form must be signed by the staff member.

Staff may take district issued devices out of the State of Idaho at the discretion of the building principal. The district directs the Head of Schools and/or designee to establish procedures for staff to request permission to take the device with them.

At the end of the school year, the school will collect all devices from staff. At the school's discretion, staff continuing under contract for the next school year and/or for the summer school session may be issued devices to support summer school programs, or other work-related activities.

The Head of Schools and/or designee shall establish procedures for the maintenance of records regarding the devices, including tracking device inventory and which device is issued to which staff member.

Care and Safety

Employees in receipt of district-issued equipment shall be held responsible for the safekeeping of the equipment and for the exercise reasonable efforts to see that the equipment is not lost, stolen, or damaged. Reckless or irresponsible use of district equipment, resulting in loss or damage may result in the employee having to reimburse Xavier Charter School for any associated costs of replacement or repair.

Managing Files

Once details are known about the availability of file space that is shared or is backed up automatically, the Head of Schools and/or designee will set a procedure for where staff should save important documents.

Staff members should also back up their work frequently.

Software

The software originally installed by Xavier Charter School must remain on the device in usable condition and be easily accessible at all times.

From time to time the school may add or update software applications. The licenses for this software sometimes require that the software be deleted from devices at the completion of a course taught by staff. Periodic reviews of devices may be made to ensure that staff members have deleted software that is no longer required and that the school has not exceeded its licenses.

All devices will be equipped with anti-virus protection software which will be upgraded regularly.

Staff members wishing to add additional software onto a device must first obtain the permission of the school's technology department. Each staff member is responsible for ensuring that only licensed software pre-approved by the school's technology department is loaded onto their device.

Staff members shall refrain from downloading the TikTok app onto any district issued device. If TikTok has already been downloaded onto a device issued to a staff member, they shall delete the app or seek assistance from **[District technology personnel]** in deleting it.

Inspection and Filtering

Filtering software will be used to prevent access to material considered inappropriate or harmful to minors. Such filter shall also block access to the TikTok website. Measures shall also be undertaken to prevent the downloading of TikTok onto any district devices or via the district's electronic network.

If technical difficulties occur or unauthorized software or any other violation of district policy is discovered on the device, all files and the hard drive may be reformatted. Only authorized software will be installed. Xavier Charter School does not accept responsibility for the loss of any software or other materials deleted due to a reformat and reimage.

Email, network usage, and any stored files shall not be considered confidential and may be monitored at any time by designated district staff. Xavier Charter School or its designee may demand the return of the device at any time for inspection, copying, or review of all files, histories, saved data, meta-data, or other information on the device. After the inspection, copying, or review of the device, unless there is cause to refrain from doing so, it shall be returned to the employee. Failure to turn over the device upon demand may result in disciplinary action, up to and including termination. Xavier Charter School will cooperate fully with local, State, or federal officials in any investigation concerning or relating to violations of law.

Remote Access of Devices

Devices may be equipped with the ability to be accessed remotely in the case of technical problems requiring remote assistance, missing or stolen devices, or for any other appropriate district purpose. A staff member does not need to be asked for permission prior to remote software maintenance.

Any individual in receipt of a school-issued device does not have the authority to deactivate the remote access feature of the device. Any employee doing such will be subject to discipline and/or reclamation of the device by Xavier Charter School.

Personalizing District-Issued Mobile Computing Devices

[While at no time does the device become the personal property of staff members; they may place individualized items on the device, which are limited to music, pictures, and other items that do not hinder the network or device functionality.

Staff members may be permitted to select their own screen savers and backgrounds provided they are appropriate.

Staff members may not add options or upgrades to the device, change the operating system, or add unauthorized software or safety controls.

Should staff members place personalized items on the device such items may be accessed or viewed by district staff at any time, for any reason, including randomly selected device reviews. Further, the content on such device may be subject to disclosure pursuant to a public records request under the Idaho Public Writings Act. No content placed on district provided devices is privileged or confidential.]

Use

Any such devices issued shall be with the expectation that they are to be used for district-related business purposes and are not intended for personal use except in emergencies involving employee health or safety and/or as specifically authorized under this policy.

District-issued equipment shall be used in a manner that does not disrupt instruction or other work-related activities unless there is a reason of personal health or safety involved.

District-issued equipment may be used only in a manner consistent with the Code of Ethics for Idaho Professional Educators as well as all State and federal laws relating to electronic communications with students and/or minors.

Any district-issued equipment is to be surrendered to Xavier Charter School immediately upon request.

Protecting and Storing Devices

Staff members are expected to password protect their devices and shall keep their password confidential, except for requested disclosure by the school's administration or technology department personnel.

Under no circumstances should devices be left in unsupervised areas. Unsupervised areas include the school grounds, the cafeteria, computer lab, locker rooms, library, unlocked classrooms, dressing rooms, and hallways.

Repair of Devices

Staff members are to report all device problems to **[District technology personnel]**. The Head of Schools and/or designee will issue a document clarifying staff responsibility for lost and damaged devices when the details of the district's insurance policy are known.

Personally-Owned Communications Devices

Employees may carry and use personally-owned electronic communications devices during the school day on school property except that personally owned hand-held citizens band radios, portable police scanners, and long or short-range walkie-talkies should not be used or carried by employees on school property during the school day unless by specific permission of their immediate supervisor based on a personal health or safety need.

Personal electronic communications devices should not be used during the employee's normal duty times to send/receive messages of a personal nature, but such use is allowable during normal break times, lunch times, and preparation times. Personally owned devices should not be used during the employee's normal duty times unless such is being used solely for the purposes of one's job duties for the school. Use of personal electronic communications devices should be curtailed during instructional time or at school-sponsored programs, meetings, in-services, parent/guardian conferences, or any other time when there would be a reasonable expectation of quiet attentiveness.

Any employee violating the above rules may be subject to disciplinary action.

Cross References: 5330 Employee Email and Online Services Usage
5330F Employee Email and Online Services Usage
Acknowledgment

Legal References: I.C. § 18-6726 TikTok Use by State Employees on a State-Issued Device Prohibited
Idaho Executive Order 2022-06

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021; June 10, 2023

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5335F Mobile Computing Device Agreement

Every staff member must read and sign below:

I have read, understand, and agree to abide by the terms of the Xavier Charter School’s policies regarding school-provided mobile computing devices (Policy 5335). Should any violation or misuse of the device occur while it is in my custody, I understand that I may be subject to disciplinary action, and will forfeit any fees paid for use of the device, regardless of whether the misuse was committed by me or another person.

I accept full responsibility for the safe and secure handling of the device for this school year. I accept full responsibility for the proper use and safeguarding of the device under all applicable policies. I understand that it is my responsibility to immediately report any damage, theft, or problems with the device to the designated administrator.

_____ I do not wish to take the device home at this time.

User’s Name (Print) _____ Home Phone: _____

User’s Signature: _____ Date: _____

Address: _____

Signature: _____

Policy History:

Adopted on: June 10, 2023

Revised on:

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5340 Evaluation of Certificated Personnel

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

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

Objectives

The formal performance evaluation system is designed to:

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

supervisor.

7. Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions, disciplinary action, and termination.

Responsibility

The Head of Schools and/or designee shall have the overall responsibility for the administration and monitoring of the Performance Evaluation System and will ensure the fairness and efficiency of its execution, including:

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

The Immediate Supervisor (Evaluator) is the employee's evaluator and has the responsibility for:

1. Continuously observing and evaluating an employee's job performance including a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1st of each year.
2. Holding periodic counseling sessions with each employee to discuss job performance.

3. Completing Performance Evaluation Forms as required.
4. Completing training on Xavier Charter School's Performance Evaluation Program.

Written Evaluation

Evaluation Form: Written evaluation shall be completed for each certificated employee. A copy will be given to the employee. The record of the evaluation will be kept in the employee's personnel file. The evaluation should be reviewed annually and used to assist in the development of annual goals and objectives. The evaluation is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the immediate supervisor (evaluator) and the employee as to the job description and major performance objectives.

As determined by the Board, the evaluation will also include research based objective measures of growth in student achievement. Aggregate data shall be considered as a part of Xavier Charter School Needs Assessment in determining professional development offerings.

Evaluation Measures

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

Professional Practice: At least sixty-seven percent (67%) of the evaluation of certificated personnel will comprised of Professional Practice based on the Charlotte Danielson Framework for Teaching Second Edition. The evaluation will include at least one of the following as a measure to inform the Professional Practice portion: input received from parents or guardians, input received from students, and/or portfolios. Xavier Charter School has chosen parental or guardian input forms as its measure to inform the Professional Practice portion.

Parental/Guardian input forms may be made available on the main Xavier Charter School webpage.

Student Achievement: Instructional staff evaluations must include measurable student achievement as defined in Section 33-1001, Idaho Code, applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33- 1001, Idaho Code, as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one or both years of data.

Charlotte Danielson Framework: The evaluation will be aligned with minimum State standards and based upon the *Charlotte Danielson's Framework for Teaching Second Edition*

and will include, at a minimum, the following general criteria upon which the Professional Practice performance evaluation system will be based.

Xavier Charter School shall evaluate these employees on the basis of all of the domains. Individuals who hold a Professional or Advanced Professional Endorsement will be evaluated annually. All other instructional or pupil service staff employees must also be evaluated across all domains.

1. Planning and Preparation
 - a. Demonstrating Knowledge of Content and Pedagogy;
 - b. Demonstrating Knowledge of Students;
 - c. Setting Instructional Outcomes;
 - d. Demonstrating Knowledge of Resources;
 - e. Designing Coherent Instruction; and
 - f. Designing Student Assessments

2. Classroom Learning Environment
 - a. Creating an Environment of Respect and Rapport;
 - b. Establishing a Culture for Learning;
 - c. Managing Classroom Procedures;
 - d. Managing Student Behavior; and
 - e. Organizing Physical Space

3. Instruction and Use of Assessment
 - a. Communicating with Students;
 - b. Using Questioning and Discussion Techniques;
 - c. Engaging Students in Learning;
 - d. Using Assessment in Instruction; and
 - e. Demonstrating Flexibility and Responsiveness

4. Professional Responsibilities
 - a. Reflecting on Teaching;
 - b. Maintaining Accurate Records;
 - c. Communicating with Families;
 - d. Participating in a Professional Community;
 - e. Growing and Developing Professionally; and
 - f. Showing Professionalism

Meeting with Employees

Counseling Sessions: Counseling sessions between supervisors and employees may be scheduled periodically. During these sessions, an open dialogue should occur which allows the exchange of performance oriented information. The employee should be informed of how they have performed to date. If the employee is not meeting performance expectations, the employee should be informed of the steps necessary to improve performance to the desired level. Counseling sessions should include, but not be limited to, the following: job responsibilities, performance of duties, progress on goals, and attendance. A memorandum for record will be prepared following each counseling session and maintained by the supervisor.

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

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

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

Individualized Professional Learning Plan

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

Rebuttals/Appeal

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

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

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

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

Action

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

Records

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

Reporting

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

Xavier Charter School shall report

1. The summative ratings;
2. The number of components rated as unsatisfactory;

3. The percentage of the certificated personnel's students who met their measurable student achievement or growth targets or student success indicators;
4. The measures that were used; and
5. Whether an individualized professional learning plan is in place for all certificated personnel evaluations.

Legal References:	I.C. § 33-514	Issuance of Annual Contracts – Support Programs Categories of Contracts – Optional Placement – Written Evaluation
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-518	Employee Personnel Files
	I.C. § 33-1001	Foundation Program – State Aid – Apportionment - Definitions
	IDAPA 08.02.02.120	Local District Evaluation Policy

Policy History:

Adopted on: September 2012

Revised on: February 18, 2014; February 11, 2015; March 2015; February 8, 2017;
July 20, 2017; November 19, 2020; June 17, 2021; September 16, 2021;
June 10, 2023

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5350 Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with Xavier Charter School who are issued a contract and employees who are on contract should recognize that their contract with Xavier Charter School carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and (2) until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Head of Schools and/or designee.

Employees (including those employees who have just signed their first contract) will not be released from contract unless a suitable replacement can be found. The Board may make exceptions to this rule for serious health problems or if a replacement can be found to fill the position being vacated.

The employee may make a written request with a 30 day notice for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to Xavier Charter School office so that a search for a suitable replacement can be initiated. The request for release will be submitted to the Board at the time specified by the employee. If finding a replacement is not imminent, the offices will advise the person submitting the request that the administration will recommend to the Board that the request be denied. Xavier Charter School office will also give the person making the request the opportunity to hold the request until finding a suitable replacement is imminent at which time the resignation would then be submitted to the Board. (If no time is specified for the request to be submitted to the Board, it will be submitted when the administration feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.)

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

If a certified employee is released from his/her contract and received a sign-on bonus during that contract year, the full amount of the sign-on bonus will be returned to the district by the employee. The return of the bonus may be waived by the Board at its discretion. Xavier Charter School may also withhold reasonable expenses directly related to advertising for a replacement from the employee's final paycheck.

Should any certificated employee desire release from his/her contract after the first day of July, the Board of Directors may at its discretion request a hearing before the professional standards

commission, alleging that the certificated employee is guilty of unethical and unprofessional practice.

Classified Personnel

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

All resignations should be in writing. Requests for resignation shall be transmitted to the Board as part of the regular personnel report.

Policy History:

Adopted on: February 2012

Revised on: May 13, 2014; January 17, 2019; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5360 Dress and Appearance

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

As professionals in our schools, we realize and value the public’s perception of our roles as mentors and models for students. We, therefore, set in policy the following outline of “reasonable expectations” for all professional staff.

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

DRESSING UP IS ENCOURAGED

The following is considered an outline of acceptable dress, unless otherwise specified by the Head of Schools and/or designee:

- Button-down dress shirts
- Knit shirts (not T-shirts), Blouses, cotton shirts, sweaters (moderate neckline)
- Sport coat or cardigan
- Business suit
- Jumpers, rompers, dresses, skirts (appropriate fit and mid-thigh length)
- Overalls that are not blue denim
- Slacks or khakis/Docker-type slacks
- Leggings must not be worn as pants, but must be worn with a mid-thigh length or longer top, dress, jumper, or skirt.
- Dress shoes, casual shoes, boots, athletic shoes
- Neckties/Bolo Ties
- Holiday, theme, or Xavier apparel on designated days
- Two piercings in each ear and/or one small nose stud is allowed. No visible body piercings, or gauges allowed.
- Tattoos that are considered offensive, racist, gang related, drug related, pornographic, display nudity, contain obscene phrases, or are in any manner distracting to the learning environment may not be visible. Neck, collar bone/sternum, or face tattoos and tattoo “full sleeves” and “forearm sleeves” are NOT allowed to be displayed.
- Hair should be neat and clean in appearance and be a color on the natural spectrum. Hair is to be worn in a way that does not obstruct the natural vision.

- Facial hair is allowed when trimmed and neat in appearance.

Inappropriate/Unacceptable Attire

- Backless, see-through, tight fitting, or low-cut blouses/tops/dresses
- T-shirts, lycra, spandex, midriff tops, tank tops, muscle shirts
- Sleeveless shirts
- Cut-off/Jeans shorts
- Sweatpants
- Athletic shorts, spandex (shorts or pants) of any length
- Blue Jeans
- Mini-skirts
- Jogging suits
- Overalls
- Apparel with offensive logos
- Hats
- Flip flops or slippers
- No extreme make-up, haircuts, or hair color.

Exceptions

- Fitness Teachers: Clothing appropriate to activity
- Field Trips/Field Days: Modest, appropriate to activity.
- Special Days: Holiday clothing/school spirit/thematic clothing/Xavier wear on designated days with Head of School's permission.
- The Head of Schools and/or designee may grant exceptions based on job-related needs.

Enforcement

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

Policy History:

Adopted on: August 2012

Reviewed: April 18, 2024

Revised on: May 13, 2015; August 16, 2018; June 17, 2021; October 20, 2022

Xavier Charter School

PERSONNEL

Policy: 5370 Non-school Employment by Professional Staff Members

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise Xavier Charter School.
- Raise a question of conflict of interest – for example, where the employee’s position in Xavier Charter School permits access to information or other advantage useful to the outside employer.

Therefore a regular, full-time employee’s position in Xavier Charter School shall take precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no Xavier Charter School facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees’ performance of Xavier Charter School assigned duties.

In addition, an employee may not perform any duties related to outside work or self-employment during regular Xavier Charter School working hours or during the additional time that is needed to fulfill the responsibilities of Xavier Charter School position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Except by prior written authorization from the Head of Schools and/or designee:

- School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with Xavier Charter School.

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5380 Professional Research and Publishing

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

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

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

However, a staff member may use his/her background of knowledge of programs and operations in professional writing of any type, without the Board claiming any rights to the materials or authority to approve them prior to publication, except that articles purporting to represent school system policy will be cleared by the Administrator who may, if the subject warrants, seek Board approval before they are released.

Cross Reference: 4250 Educational Research

Policy History:

Adopted on: September 2012

Reviewed on: May 13, 2015; June 21, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5390 Employment Referrals and Prevention of Sexual Abuse

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

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

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

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

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

Policy History:

Adopted on: October 17, 2019

Revised on:

Reviewed on: June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5400 Leaves of Absence

Sick Leave

Classified employees shall be granted sick leave and other leaves in accordance with State law. Each certified and/or full time employee shall be granted one day of sick leave for each month of service for a maximum of nine per year. Xavier Charter School, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness.

Compensation shall not be provided for unused sick leave.

“Sick leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. In the context of sick leave “immediate family” shall mean the employee’s spouse and children or upon approval by the Head of Schools and/or designee. Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by Xavier Charter School in accordance with this policy and the needs of Xavier Charter School.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a paid status. Abuse of sick leave is cause for discipline up to and including termination.

Accrual of Unused Sick Leave

Employees may accrue unused sick leave. Upon retirement, an employee’s accumulated unused sick leave must be reported by Xavier Charter School to the public employee retirement system.

Bereavement Leave

In the event of a death in an employee's immediate family, an employee may be granted up to five days of pay for bereavement leave to handle matters related to death and grieving. If additional time is needed, the employee may use accrued vacation or compensatory time and may request an unpaid leave of absence as approved by the Board. Such leave shall not exceed 10 days, unless prescribed by a physician.

In the context of bereavement leave "Immediate family" includes the employee's spouse, parents (including step parents, foster parents, and parents-in-law), grandparents, siblings, children, step child, adopted child, or a child for whom the employee has parenting responsibilities.

An employee who has a death in the immediate family shall be eligible for bereavement leave. The Head of Schools and/or designee shall have the authority to give bereavement leave for up to five days. Bereavement leave of greater than five days must be approved by the Board. Such leave shall not exceed 10 days, unless prescribed by a physician.

Personal Leave

Each full time employee (defined, for the purpose of personal leave, as certified employees and classified employees whose work agreement or contract is for six hours or more per day) may be granted, upon written request filed with the Head of Schools and/or designee, three days of personal leave, as defined by the employee's regular work day, at no cost to the employee. This leave may be taken for any reason deemed necessary by the employee. There will be one day allowed to carry over to the next year with a maximum of four days in any given year. After each full year of employment, compensation for days of personal leave not used by the employee will be paid by the district to the employee at the rate of 55% of the employee's regular daily rate.

Notice of at least one week is required for any personal leave. Personal leave must be approved by the Heads of Schools and/or designee prior to being taken. The Head of Schools and/or designee, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. During any unpaid personal leave of greater than 15 days, the employee will not receive fringe benefits. During the leave, the employee may pay the School's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier. Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

Compensatory Time

Normally, compensatory time is not earned by certified employees unless approved by the Head of Schools and/or designee. If compensatory time is approved, it must be used by the end of the school year in which it was earned.

All Leaves

If leaves are to include expenses payable by the school, the leave approval will so state. For any leave which is less than two hours of contract time, notify your administrator. If any leave is more than 2 hours of contract time but less than 4 hours, then half a day of leave will be taken. Leave will only be granted in units of half or full days.

Legal Reference: 42 USC 2000e	Equal Employment Opportunities
I.C. § 33-1216 et seq.	Sick and Other Leave
I.C. § 33-1228	Severance Allowance at Retirement

Policy History:

Adopted on: October 18, 2012

Revised on: May 10, 2015; December 14, 2016; May 10, 2017; June 17, 2021; July 21, 2022

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5400F Teacher Coverage Record

Personal Days Added Due to Teacher Coverage

Additional personal days are not earned by teachers unless approved by the Head of Schools and/or designee. If a teacher covers six classes and has them approved, the teacher will earn a personal day. At the end of the school year, if fewer than six classes are covered, a teacher can earn a prorated personal day. There will be one personal day allowed to carry over to the next year. Compensation for personal days exceeding the one allowed day will be paid by the district to the employee at the rate of 55% of the employee’s regular daily rate.

	<u>Date</u>	<u>*Class Period and Subject</u>	<u>Teacher</u>
1			
2			
3			
4			
5			
6			

*Coverage is only allowed during a teacher’s prep.

Teacher Submitting (Please Print)

Teacher Signature

Date

Head of Schools and/or Designee

Date

Policy History:

Adopted on: June 21, 2017

Reviewed on: June 21, 2018

Revised on: June 17, 2021; October 20, 2022

Xavier Charter School

PERSONNEL

Policy: 5410 Family and Medical Leave

In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up to 12 weeks during a 12-month period may be granted to an eligible employee for the following reasons: 1) the birth of a child; 2) the placement of a child for adoption or foster care; 3) because of a serious health condition that makes the employee unable to perform the functions of the job; 4) to care for the employee's spouse, child or parent with a serious health condition; or 5) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in support of a contingency operation.

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

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

Employees will not be required to use appropriate paid leave while on FMLA Leave. Workers Compensation absences will be designated FMLA Leave.

The Board has determined that the 12-month period during which an employee may take FMLA leave is 12 months forward from the date of a particular employee's first FMLA leave; Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. Family Medical Leave Act

NOTE: This provision applies to charter schools with fifty (50) or more employees. Those charter schools with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment.

Policy History:

Adopted on: June 17, 2014

Reviewed on: May 2014, May 2015; June 21, 2018

Revised on: June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5410P Family and Medical Leave (FML)

Who Is Eligible: Employees are eligible if they have worked for Xavier Charter School for at least one year, and for 1,250 hours over the previous 12 months.

Benefit: Under certain conditions, eligible employees, if qualified, may be entitled to up to 12 weeks leave with continuing participation in Xavier Charter School's group insurance plan.

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

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

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

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

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

Procedures for a Serious Health Condition that is Extended: The following procedures will be used when an employee has a serious health condition that is for an extended amount of time.

1. When a serious health condition is for an extended amount of time, an employee will be asked by the administration to produce a written statement from a physician stating that the employee is temporarily disabled and is unable to perform the duties of his/her position, but at some point in the future will be able to return to work.
2. Procedures for assessing the probable duration of the serious health condition will vary. The number of days of illness and/or disability will vary according to different conditions, individual needs and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician unless complications develop which are further certified by a physician.

When Spouses Are Xavier Charter School Employees: If spouses are employed by Xavier Charter School, they each are entitled to a total of 12 weeks of leave per year. However, where the reason for the leave for the birth of a child, or because of adoption or foster care, or to care for a sick parent, such leave may be limited to an aggregate of 12 weeks, between the married employees.

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

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

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

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

Insurance: An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the portion of the premiums the employee usually pays throughout the leave period. An employee’s

eligibility to maintain health insurance coverage will lapse if the premium payment is more than 30 days late. Xavier Charter School will mail notice of delinquency at least 15 days before coverage will cease.

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

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

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

Special Rules for Instructional Employees

Leave More Than Five Weeks Before End of Term: If an instructional employee begins FMLA leave more than five weeks before the end of term, the Head of Schools and/or designee may require the employee to continue taking leave until the end of a semester term if:

1. The leave is at least three weeks; and
2. The employee's return would take place during the last three-week period of the semester term.

Leave Less Than Five Weeks Before End of Term: If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five weeks before the end of term, the Head of Schools and/or designee may require the employee to continue taking leave until the end of a semester term if:

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

Leave Less Than Three Weeks Before End of Term: If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three weeks before the end of term, the Head of Schools and/or designee may require the employee to continue taking leave until the end of the academic term if the leave is longer than five days.

Intermittent or Reduced Leave: Under certain conditions, an instructional employee needing intermittent or reduced leave for more than 20% of the total working days over the leave period may be required by the Head of Schools and/or designee to:

1. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
2. Transfer to an alternate but equivalent position.

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

Policy History:

Adopted on: June 17, 2014

Revised on: April 16, 2020; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5411 Maternity/Paternity Leave

Whether or not an employee is qualified for Family Medical Leave (FML), an employee may receive up to three days of paid maternity/paternity leave after the birth or adoption of a child which is in addition to their personal/sick leave.

Policy History:

Adopted on: May 21, 2020

Revised on: June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5412 Jury Duty

Serving on a jury is a fundamental responsibility of citizenship, and the Xavier Charter School supports this important role in our society. Upon receipt of the initial, official notification, an employee selected for jury duty must submit a copy of such notice to the immediate supervisor and to the district office as soon as possible so that appropriate substitute needs can be met. If the absence would pose a significant hardship for Xavier Charter School, the employee may be asked to request a postponement of jury duty from the court.

Upon being excused from jury service during any day, an employee shall return to complete his/her assignment for the remainder of the regular work day.

Jury duty leave is paid for up to 10 work days.

Policy History:

Adopted on: September 2012

Reviewed on: June 21, 2018

Revised on: June 17, 2021; January 19, 2023

Xavier Charter School

PERSONNEL

Policy: 5413 Witness for Court Appearance Leave

Xavier Charter School employees who are subpoenaed into court as a witness will be allowed leave for required court appearances. Employees are expected to use only the portion of the work day of days required for their appearance as a witness. Employees are required to receive prior approval of the Head of Schools and/or designee and their immediate supervisor (maintenance, school lunch, bus supervisor). The employee will be granted leave to be a witness for court appearance with pay providing the person submits a copy of the subpoena to the district office as soon as possible.

Policy History:

Adopted on: September 2012

Reviewed on: May 13, 2015; June 21, 2018

Revised on: June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5420 Long-Term Illness/Temporary Disability

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

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

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

Maternity leave will be treated as any other disability. As a disabling condition, maternity leave is not available to fathers.

Cross Reference: 5410 – 5410P

Family Medical Leave

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

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

29 CFR 1604.10

Pregnancy Discrimination Act -
Employment Policies Relating to
Pregnancy and Childbirth

Policy History:

Adopted on: April 16, 2020

Reviewed on: June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5430 Insurance Benefits for Employees/ Board of Directors

Certificated and classified employees who work 20 hours or more per week for at least nine months of a year will be eligible for the group health and dental insurance benefits offered by the school. The school contributes a fixed amount per eligible employee per month for health insurance costs. Eligible employees have the option to enroll or waive the group health insurance. In the event an eligible employee chooses not to enroll or waive health insurance offered by the school, the school is under no obligation to pay that employee any money for not taking the insurance offered. When an employee chooses to cover their spouse and/or dependents, the school does not pay for any part of the costs exceeding the school's contribution amount. Directors may not participate in the district's group insurance policy unless they are a spouse of a district employee.

Legal Reference: I.C. § 33-517A School Districts – Non-certificated Employees – Group Health Insurance
I.C. § 67-5763 Governmental Body Authorized to Make Contracts for Group Insurance for Officers and Employees

Policy History:

Adopted on: September 2012

Revised on: July 21, 2014; May 13, 2015; January 17, 2019; January 16, 2020; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5440 School Holidays

Xavier Charter School designates the following days as school holidays:

1. New Year's Day;
2. Memorial Day;
3. Independence Day;
4. Labor Day;
5. Thanksgiving Day; and
6. Christmas Day.

In those cases where a classified full-time employee, defined as working at least 1680 hours in a 12-month period, is required to work any of these holidays, another day shall be granted in lieu of such holiday unless the employee elects to be paid for the holiday in addition to the employee's regular rate of pay for all time worked on the holiday.

If a holiday occurs during the period in which vacation is being taken by an employee, the holiday shall not be charged against the employee's annual leave.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday; and if the holiday falls on a Sunday, the following Monday shall be a holiday.

Legal Reference: I.C. § 33-512 Governance of Schools
 I.C. § 73-108 Holidays Enumerated

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; December 14, 2016; June 21, 2018; December 13, 2018;
 June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5450 Vacation Leave

Classified and administrative employees, who work at least 1680 hours in a 12-month period using the fiscal year cycle, shall accrue annual vacation leave benefits according to the following schedule:

<u>Year of Service with the School</u>	<u>Days of Annual Vacation Leave</u>
1-10	10 days
11-15	15 days
16-19	18 days
20+	20 days

Vacation leave is intended to be used during that year in which it is earned. Accumulation of unused vacation time will be allowed up to a total of 30 days.

Prior approval by the administration must be given before vacation leave is taken.

Upon termination of employment, unused vacation leave (up to 30 days) will be paid at the employee's daily rate of pay. Vacation pay will be prorated if termination is before the end of the fiscal year.

Nothing in this policy guarantees approval of the granting of specific days as annual vacation leave in any instance. Each request will be judged by Xavier Charter School in accordance with staffing needs.

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; December 14, 2016; June 21, 2018; February 28, 2019;
November 19, 2020; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5460 Workers' Compensation Benefits

All employees of Xavier Charter School are covered by Workers' Compensation benefits. In the event of an industrial accident, an employee should:

1. attend to first aid and/or medical treatment if emergency prevails;
2. correct, or report as needing correction, the hazardous situation as soon as possible after the emergency is stabilized;
3. report the injury or disabling condition (whether actual or possible) to the immediate supervisor as soon as possible but within 48 hours; and
4. call or visit the administrative office after medical treatment if needed to complete the necessary report of accident and injury.

The administrator shall notify the immediate supervisor of the report, and shall include the immediate supervisor in completing the any and all reporting as required.

An employee who is injured in an industrial accident may be eligible for Workers' Compensation benefits.

Xavier Charter School will not automatically and simply defer to a report of industrial accident. Xavier Charter School shall investigate as it deems appropriate to determine (1) whether continuing hazardous conditions exist that need to be eliminated, and (2) whether in fact an accident attributable to Xavier Charter School's working environment did occur as reported. Xavier Charter School may require the employee to authorize the employee's physician to release pertinent medical information to Xavier Charter School or to a physician of Xavier Charter School's choice, should an actual claim be filed against the Workers' Compensation Division which could result in additional fees levied against Xavier Charter School.

Legal Reference: I.C. § 72-101, et seq. Workers' Compensation Act

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 21, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5470 Leaves of Absence - Military Leave

General Policy

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

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

Notice to Xavier Charter School

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

Military Leave for Training or Short Term Duty

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

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

Completion of Military Training

Upon completion of military training, employee shall give evidence of the satisfactory completion of such training immediately thereafter. Employee shall be restored to his or her

previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

Benefits for Uniformed Service Personnel on Active Duty

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

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

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

Reporting to Xavier Charter School Once Military Leave is Complete

The standard military service length and reporting times are:

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

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

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

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

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

Disqualification From Returning to Work

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

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

Reinstatement to Positions After Extended Duty

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

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

After an employee has been absent for 31 days or more of military service, Xavier Charter School may ask the employee or the employee’s military unit for documentation showing that:

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

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the employee was disabled while on military duty, or a disability is aggravated by military service, Xavier Charter School will make reasonable efforts to accommodate the disability

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

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; August 16, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5480 Leadership Premiums

The Board may choose to adopt a plan and criteria for providing leadership premium compensation to reward teachers and pupil service staff for serving in a leadership capacity Xavier Charter School.

Leadership priorities will be based upon one or more of the criteria below as identified by a committee consisting of teachers, administrators, and other Xavier Charter School stakeholders and approved by the Board. The decision as to whom and how many instructional and pupil service employees receive leadership premiums shall be determined by the Board.

Leadership Criteria

The Board shall award leadership premiums to certificated instructional and pupil service employees, regardless of such employee's full or part time status, in recognition of the additional time they will spend fulfilling one or more of the following leadership roles:

1. Teaching a course in which the student earns both high school and college credit;
2. Teaching a course to middle school students in which the students earn both middle school and high school credit;
3. Holding and providing service in multiple non-administrative certificate or subject endorsement areas;
4. Serving, or being hired to serve, in an instructional position designated as hard to fill by the Board, including a career technical education program;
5. Providing mentoring, peer assistance, or professional development to teachers in their first two years in the profession;
6. Having received professional development in career and academic counseling, and then providing career or academic counseling for students, with such services incorporated within or provided in addition to the teacher's regular classroom duties; and
7. Various other criteria designated by the Board, excluding duties related to student activities or athletics, that require the employee to work additional time such as:
 - a. Curriculum development;
 - b. Assessment development;
 - c. Data analysis;
 - d. Grant writing;
 - e. Special program coordinator;
 - f. Research project; and
 - g. Teaching professional development course.

The Board may grant multiple leadership premiums to those performing multiple duties, but no employee shall receive leadership premiums that exceed 25% of the employee's minimum salary as designated on the career ladder.

These premiums shall be valid only for the fiscal year for which the awards are made. Duties related to student activities and athletics shall not be eligible for leadership premiums.

Legal Reference: I.C. § 33-1004F	Obligations to Retirement and Social Security Benefits
I.C. § 33-1004J	Leadership Premiums

Policy History:

Adopted on: July 21, 2014

Revised on: May 13, 2015; October 12, 2016; January 21, 2021; September 15, 2022

Reviewed on: June 21, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5490 Administrative Leave

The Board recognizes that there are situations which arise concerning employees which may require immediate suspension or leave of absence with pay. Therefore, the Board delegates to the Head of Schools and/or designee the authority to temporarily place district employees on administrative leave with pay when:

1. The presence of the employee may unduly influence or undermine an investigation;
2. Such leave is necessary to conduct an investigation involving alleged misconduct of the employee; or
3. There exists reason to believe that the employee has or is alleged to have:
 - a. violated any rule or regulation of the State Board of Education;
 - b. engaged in conduct which could violate the Code of Ethics for Idaho Professional Educators;
 - c. violated a district policy; or
 - d. created an immediate or imminent threat to the safety or well-being of a student or other district employees.

The Head of Schools or designee shall have the authority to suspend, with pay, the employee, pending the next regularly scheduled Board meeting or 21 business days, whichever comes first. At the time the Board is presented with the action, they shall either ratify or nullify the act of placing the certificated employee on paid administrative leave. The Board reserves the right to continue or discontinue the administrative leave with pay at the time the Board takes action.

Should any employee be unable to attend work or be in the presence of students due to a court order, or due to detention in jail or similar facility, the district shall place said employee on a period of unpaid administrative leave pending an investigation into the circumstances of the absence to determine the duration of the leave or whether the circumstances warrant further employment action, up to and including termination.

This policy is not intended to limit the authority of the Head of Schools and/or designee to hire, suspend, discipline, terminate, or initiate any other action related to the employment of classified employees, subject to right of grievance set forth in Idaho Code 33-517.

Cross Reference: 5200
5200E

Code of Ethics for Idaho Professional Educators
Code of Ethics for Idaho Professional Educators

Legal Reference: I.C. § 33-315
I.C. § 33-317

Policy History:

Adopted on: April 12, 2017

Reviewed on: June 21, 2018

Revised on: October 21, 2021

Xavier Charter School

PERSONNEL

Policy: 5500 Personnel Files

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

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

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

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

Certificated Employees

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

An employee's official file shall be kept in the district office. It may include the following records:

1. Application materials;
2. Contracts of employment;
3. Communications from the administration;
4. Performance evaluations;
5. Rebuttals to performance evaluations;
6. Parental input materials;
7. Written reprimands, directives, commendations, or awards;
8. Original statements and releases to and from hiring school districts and charter schools;
9. Original acknowledgement of receipt of professional liability insurance providers list;

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

The file may contain notes and observations. Letters of recommendation will be kept in a file maintained by the Head of Schools and/or designee or in a personnel file. Personal notes of supervisors should be placed in the personnel file if they are relevant to the evaluation of the employee.

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

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

Other Files upon Separation

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

Record Keeping Requirements Under the Fair Labor Standards Act

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

1. Records required for ALL employees:

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

2. Additional records required for non-exempt employees:

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

Cross References:	4260	Records Available to the Public
	5100	Hiring Process and Criteria
	5205	Job Descriptions
	5240	Sexual Harassment/Intimidation in the Workplace Policy
	5330F	Employee Email and Online Services Usage Acknowledgment
	5340	Evaluation of Certificated Personnel
	5500	Personnel Files
	5820	Evaluation of Non-Certified Staff

Legal References: 29 CFR § 516.2 Employees Subject to Minimum Wage or Minimum Wage and Overtime Provisions Pursuant to Section 6 or Sections 6 and 7(A) of the Act
29 CFR § 516.3 Bona Fide Executive, Administrative, and Professional Employees (Including Academic Administrative Personnel and Teachers in Elementary or Secondary Schools), and Outside Sales Employees Employed Pursuant to Section 13(A)(1) of the Act
29 USC § 201, *et seq.* The Fair Labor Standards Act of 1985
I.C. § 33-517 Non-Certificated Personnel
I.C. § 33-518 Employee Personnel Files
I.C. § 33-1210 Information on Past Job Performance
I.C. § 74-106 Records Exempt from Disclosure – Personnel Files, etc.

Policy History:

Adopted on: January 13, 2016

Reviewed on: June 21, 2018

Revised on: January 16, 2020; June 17, 2021; June 10, 2023

Xavier Charter School

PERSONNEL

Policy: 5500P Procedures for Releasing Personnel Records to Hiring Schools

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

Cross Reference: 5100
5500

Hiring Process and Criteria
Personnel Files

Legal Reference: I.C. § 33-1210 Information on Past Job Performance

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5600 Staff Health

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board shall promote the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain optimum health through the practice of good health habits.

Under the circumstances defined below, the Board may require physical examinations of its employees. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, Xavier Charter School may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the State. Xavier Charter School may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, a 30-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

All bus drivers, including full-time, regular part-time or temporary part-time drivers, shall be required to have a satisfactory medical examination prior to employment.

Contagious or Infectious Diseases

If a staff person has a contagious or infectious disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school nurse or other responsible person designated by Xavier Charter School that he has a contagious or infectious disease which could be life threatening to an immune compromised person. The school nurse or other designated person must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a contagious or infectious disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a contagious or infectious disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. Xavier Charter School reserves the

right to require a statement from the employee's primary care provider prior to the employee's return to work.

Confidentiality

In all instances, Xavier Charter School personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

Legal Reference: 29 CFR, Section 1630.14(c)(1)(2)(3)

29 USC 794

Section 504 of the Rehabilitation Act

41 USC 12101, *et seq.*

Americans with Disabilities Act

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5610 Prevention of Disease Transmission

All Xavier Charter School personnel shall be advised of routine procedures to follow in handling body fluids. These procedures shall provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The administration shall develop, in consultation with public health and medical personnel, procedures to be followed by all staff. The procedures shall be distributed to all staff, and training on the procedures shall occur on a regular basis. Training and appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015

Reviewed on: June 21, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5700 Substitutes

The term “substitute teacher” as defined in I.C. § 33-512(15) as any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one day or more during a school year.

The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list the substitute teacher shall undergo a criminal history check every five years.

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. Teachers need to secure their own substitute from the approved substitute list.

The Board establishes a daily rate of pay for substitute teachers and para professionals. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid the same as certified positions.

Cross Reference: 5110 Criminal History / Background Checks

Legal Reference: I.C. § 33-130 Criminal History Checks for School District Employees or
Applicants for Certificates
I.C. § 33-512(15) Governance of Schools

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; August 15, 2019; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5710 Paraprofessionals, Teachers' Aides, and Paraeducators

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

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

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

In compliance with applicable legal requirements, the Board of Directors shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program, to have met the required standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program to have:

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

It is the responsibility of each Head of Schools and/or designee and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first 30 days of employment, the supervising

teacher or administrator shall continue to assess the skills and ability of the paraeducator to assist in reading, writing, and mathematics instruction.

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

Cross Reference: 1315

Continuous Improvement Planning

Legal Reference: 20 USC § 6312
20 USC § 6314
20 USC § 7801
IDAPA 08.02.02.0007.14

Local Educational Agency Plans
School-wide Programs
Definitions
Paraprofessional Defined

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; January 18, 2018; August 16, 2018; January 16, 2020; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5720 Volunteers / Contractors

Xavier Charter School recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. has not entered into an express or implied compensation agreement with Xavier Charter School;
2. is excluded from the definition of “employee” under the appropriate state and federal statutes;
3. may be paid expenses, reasonable benefits and/or nominal fees in some situations; and
4. is not employed by Xavier Charter School in the same or similar capacity for which he/she is volunteering.

Xavier Charter School employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

In order to maintain a safe environment for the students of Xavier Charter School, the names of all contractors (including subcontractors) who perform work on school property will be provided to Xavier Charter School in advance of performing work on school property. The names of contractors will be checked against the statewide sex offender register and any contractor who is listed on such registry will not be allowed to perform work on school property.

Cross Reference: 5110	Fingerprints and Criminal Background Investigations
4600	Volunteer Assistance
4420	Sex Offenders

Legal Reference: I.C. § 33-512 Governance of Schools

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5725 Private Service Providers/Consultants

Xavier Charter School encourages the use of private service providers and professional consultants as resource individuals when such consultative services will be helpful in the improvement of the educational program of Xavier Charter School. Xavier Charter School, through the Head of Schools as its designee, may enter into contracts with private service providers and/or consultants to provide necessary services to students.

Services provided by a private service provider/consultant (hereinafter referred to as “PSP”), and the frequency and duration of such services, shall be pursuant to the terms of the contract between the PSP and Xavier Charter School. Any contract Xavier Charter School enters into with the PSP shall provide the responsibility for eligibility determination, choice of educational methodology, and other determinations of educational services and programs which shall be retained at all times by Xavier Charter School.

Prior to being hired, the PSP shall undergo a background check the same as any new employee or volunteer of Xavier Charter School. The same requirements shall apply to the PSP.

The Head of Schools and/or designee shall conduct periodic reviews of the services of the PSP. The Board may request that the Head of Schools and/or designee provide the Board with the review findings of the PSP.

Consultants shall exercise no authority over the work of Xavier Charter School employees, but shall act only as advisors in those fields in which they are qualified to offer assistance and for which they are employed.

Compensation

PSP compensation shall be approved by the Board prior to invitation and arrangement for visitation by such person or persons to Xavier Charter School except when such compensation is within the amount specifically budgeted. If reimbursement is obtained through Medicaid, the PSP shall agree in the contract that those services will not exceed the approved Medicaid rate.

All consultants shall be hired based on a written contract which shall not exceed 12 months.

Confidentiality

The PSP shall at all times maintain confidentiality pursuant to the Family Educational Records and Privacy Act (FERPA) of all records of services, including, but not limited to, identifying information regarding the student and services, observations, evaluations and/or assessments.

Definition

Private service provider or consultant means a person, group, agency or organization that meets the following conditions:

- a. Is not an employee of Xavier Charter School or a public agency with legal jurisdiction over the circumstances related to the provider/consultant's involvement with the student; and
- b. Is paid for services provided to the student.

Examples of private service providers include: psychologist, counselor, targeted service provider, behavioral therapist, speech therapist, occupational therapist, physical therapist, social worker, psychosocial rehabilitation specialist, etc.

Examples of consultants include: attorney, auditor, architect, agents of record and others with technical skills or professional training.

Cross Reference:	4420 4600 5725	Sex Offenders Volunteer Assistance Private Service Providers/Consultants
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Legal Reference:	20 USC § 1232g, <i>et seq.</i> 34 CFR Part 99 I.C. § 33-512	Family Education Right to Privacy Act (FERPA) Implementing FERPA Governance of Schools
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Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; January 16, 2020; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5740 Reduction in Force

It is recognized that the Board has the responsibility to maintain a good public school and to strive to meet the educational interest of the State, consistent with state and federal educational requirements, including improvement plans, accreditation requirements, bylaws, continuous improvement plan, and other school-based issues. However, sometimes the School must eliminate certificated staff positions. The Board adopts this policy to provide a fair and orderly process should such elimination of positions become necessary.

The Board has the sole and exclusive authority to determine the appropriate number of certificated employees and to eliminate certified staff positions consistent with the provisions of State statutes. A reduction of certified employees may occur as a result of, but not be limited to, the following examples or from other conditions necessitating reductions:

- a. Decreases in student enrollment
- b. Changes in curriculum
- c. Financial conditions or limitations of Xavier Charter School

The need for implementation of a Reduction in Force and/or the elimination of certificated positions is left to the sole discretion of the Board. However, no such decision shall be made until after completion of the written evaluation for each certificated staff member, and the decision as to which employee(s) will be subject to the reduction in force shall not be based solely on consideration of seniority or contract status.

The Board may choose to implement a RIF through:

- a. the elimination of an entire program or portions of programs;
- b. the elimination of positions in certain grade levels only;
- c. the elimination of positions by category;
- d. the elimination of positions in an overall review of Xavier Charter School;
- e. the elimination of positions through other considerations and implementation decisions;
- f. the elimination of a portion or percentage of a position(s) or any combination of the above.

Legal Reference: I.C. § 33-514 Issuance of Annual Contracts
I.C. § 33-515 Issuance of Renewable Contracts
I.C. § 33-522 Reductions in Force

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; June 17, 2021, February 19, 2026

Reviewed on: June 21, 2018, February 3, 2026

Xavier Charter School

PERSONNEL

Policy: 5750 Employing Retired Teachers and Administrators

One of the Board's personnel goals is to recruit, select, and employ the best qualified personnel to staff the schools within Xavier Charter School. As such, retired employees who leave Xavier Charter School in good standing may be re-employed as a "Return to Work" employee according to the following guidelines:

1. Xavier Charter School may employ a person previously employed as a school district or charter school instructional, pupil service, or other certificated staff member, certificated teacher or administrator who is receiving retirement benefits from the public employee retirement system of Idaho (PERSI) for positions requiring such certification provided such individual was not promised "rehire" by Xavier Charter School before their retirement was in effect. These employees are referred to below as "retiree" or "retirees".

In addition, effective until June 30, 2026, Xavier Charter School may hire individuals who retired from any PERSI-eligible employer, so long as the individual retired on or after age 55, and so long as the individual acknowledges they may not accrue additional retirement benefits. All such employment under Idaho 59-1356(5) must end on or before June 30, 2026.

These employees are considered to be employed "at-will" and in accordance with the Standard Retired Teacher Contract or Standard Retired Administrator Contract form that has been approved by the State Superintendent of Public Instruction and which expires at the end of every school year.

2. Retirees employed consistent with this policy and State law shall accrue one day per month of sick leave. No annual sick leave shall be accumulated unless additional sick leave has been negotiated between each individual retiree and Xavier Charter School at the time of employment. Sick leave accrued by a retired employee under Idaho Code § 33-1004H does not qualify for unused sick leave benefits under Idaho Code § 33-1228.
3. Xavier Charter School **will** provide health insurance and life insurance benefits for retirees hired consistent with this policy.
4. Xavier Charter School shall not employ certificated teachers and administrators who receive or received benefits under the previously existing early retirement program provided in now repealed Idaho Code 33-1004G.
5. Retirees who qualify to be rehired are those who:
 - A. Have reached the Rule of 90;
 - B. Are not participating in the early retirement program;

- C. Are retired at or after 60 years of age;
 - D. Have never received a “promise of rehire” before their retirement date;
 - E. Have received at least one payment from their PERSI retirement account; and
 - F. Meet all conditions and requirements of PERSI to qualify for this program, as such may change from time to time.
7. Any year in which a retired teacher or administrator is hired, the Head of Schools and/or designee shall sign a form to be retained by Xavier Charter School in the employee’s personnel file attesting that:
- A. Any retired teachers or administrators have been employed using the standard retired teacher or retired administrator contract, as appropriate;
 - B. The length of any such contract is one year; and
 - C. Rehire was not agreed to between the teacher or administrator and Xavier Charter School prior to retirement.

Cross Reference: 5100

Hiring Process and Criteria

Legal References:

I.C. § 59-1302
 I.C. § 59-1356
 I.C. § 33-513
 I.C. § 33-1004H
 I.C. § 33-1228
 I.C. § 18-1356

Definition – School Employee
 Reemployment of Retired Members
 District Trustees – Professional Personnel
 Employing Retired Teachers and Administrators
 Teachers - Severance Allowance at Retirement
 Gifts to Public Servants by Persons Subject to their Jurisdiction

Policy History:

Adopted on: September 15, 2022

Revised on: November 17, 2022

Reviewed on:

Xavier Charter School

PERSONNEL

Policy: 5800 Classified Employment, Assignment and Grievance

Classified employees are those non-certificated employees who are employed by Xavier Charter School or personnel hired in positions which do not require certification.

With the exception of those classified employees specifically hired by the Board as holding a status of not at-will, all classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason (so long as the same does not violate public policy or violate any other provision of law). Such at-will designation will be included in all job descriptions and related written documentation mandated by I.C. § 33-517 and in written contracts, should the same be implemented by Xavier Charter School. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written documentation shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of Xavier Charter School so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by Xavier Charter School’s Board. Xavier Charter School reserves the right to change employment conditions affecting the employee’s duties, assignment, supervisor or grade.

The Board shall determine the salary and wages for classified personnel.

The grievance procedure for classified employees shall be the procedure set forth in I.C. § 33-517. Classified employees may file a written grievance alleging a violation of current, written Xavier Charter School approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training. However, neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

Cross Reference:

3085	Sexual Harassment, Discrimination and Retaliation Policy
4110	Public Complaints
5800P	Classified Employee Grievance Procedure

Legal Reference:

I.C. § 33-517	Non-Certificated Personnel
I.C. § 33-1201	Teachers - Certificate Required
	<u>Metcalf v. Intermountain Gas Co.</u> , 778 P.2d 744 (Idaho 1989)

Policy History:

Adopted on: September 2012

Revised on: November 12, 2014; May 13, 2015; April 15, 2021, April 17, 2025
Reviewed on: June 21, 2018, March 11, 2025

Xavier Charter School

PERSONNEL

Policy: 5800P Classified Employee Grievance Procedure

Classified employees may file a written grievance alleging a violation of current, written Xavier Charter School approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training in strict accordance with the procedure set forth herein. For the purposes of this procedure current, written Xavier Charter School policy means the policy in place and approved by the Board as of the date of the incident giving rise to the grievance and not any previous or subsequent policy.

Neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

A classified employee filing a grievance pursuant to this procedure shall be entitled to a representative of their choosing at each step of the grievance process outlined herein. Additionally, the person against whom the grievance is filed and the Head of Schools and/or designee shall be entitled to a representative at each step of the grievance process outlined herein. None of these individuals will be qualified to sit on the advisory grievance panel.

Level 1: Informal

A classified employee with a complaint is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

Level 2: Immediate Supervisor

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating:

1. The nature of the grievance; and
2. The remedy requested.

It must be signed and dated by the grievant. The Level 2 written grievance must be filed with their immediate supervisor within six working days of the event or incident giving rise to the grievance

Within six working days of receipt of the grievance, the immediate supervisor shall schedule an informal grievance meeting with the grievant, the employee against whom the grievance is filed, any known advocates, as well as another lead teacher who will not be involved in the statutory grievance process. The purpose of the meeting shall be to attempt to find a resolution to the employee grievance.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the person who received the written grievance shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. Xavier Charter School has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Head of Schools and/or designee within 30 days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Head of Schools and/or designee agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Head of Schools and/or designee rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within 15 days of receiving the report of the Coordinator to the Board for a hearing.

Level 3: Head of Schools

If the employee is not satisfied with the response of the immediate supervisor, or no response is received within the timeline provided in Level 2, the employee may appeal to the Head of Schools and/or designee within six working days of the response or lack thereof. Upon receipt of the request for review, the Head of Schools and/or designee shall notify the parties in writing of the decision within six working days of receipt of the appeal.

Level 4: The Board

If the classified employee is not satisfied with the decision of the Head of Schools and/or designee or there is no response from the Head of Schools and/or designee the employee may request a review of the grievance by the Board of Trustees. A written appeal must be submitted to the Board and within ten working days of receiving the Head of School's and/or designee's response or after the five working days of the Head of School's and/or designee's receipt of Level 3. The Board shall submit its decision in writing to the employee, the Head of Schools and/or designee within six working days of completing its review.

The Board will conduct a review no later than its next regular scheduled meeting. Additional time may be required by the Board for its review and will notify each party of the time allocation needed.

The decision of the Board will be final, unless it involves a perceived civil rights violation.

Cross Reference: 3085 Sexual Harassment, Discrimination and Retaliation Policy
 5800 Classified Employment, Assignment and Grievance

Legal Reference: I.C. § 33-517 Non-certificated personnel

Policy History:

Adopted on: September 2012

Revised on: November 12, 2014; August 16, 2018; April 15, 2021

Reviewed on: May 13, 2015

Xavier Charter School

PERSONNEL

Policy: 5810 Compensatory Time and Overtime/Classified Employees

Classified employees who work more than 40 hours in a given work week may receive overtime pay of 1 ½ times the normal hourly rate unless Xavier Charter School and the employee agree to the provisions of compensation time at a rate of 1 ½ times all hours worked in excess of 40 hours in any work week. No overtime is authorized for any classified employee without the specific approval of the Head of Schools and/or designee except as he shall otherwise prescribe.

Comp time will not be allowed to be accumulated beyond the current school year unless otherwise approved by the Head of Schools and/or designee.

A classified employee may not volunteer work time in an assignment similar to his or her regular work without pay.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

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

Policy History:

Adopted on: September 2012

Revised on: February 9, 2012; May 13, 2015; December 9, 2015; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5820 Evaluation of Non-Certified Staff

Each non-certified staff member's job performance shall be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled evaluations, on the form prescribed in 5820F applicable to the job classification and description.

The supervisor shall provide a copy of the completed evaluation to the staff member and shall provide an opportunity to discuss the evaluation. The original should be signed by the staff member and filed in their personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Head of Schools and/or designee. The employee will be allowed the opportunity to attach a rebuttal to any information contained in the evaluation.

Cross Reference: 5820F

Classified Employee Evaluation Form

Legal Reference: I.C. § 33-517
I.C. § 33-518

Non-certificated Personnel
Employee Personnel Files

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; November 15, 2018; June 17, 2021

Reviewed on: June 21, 2018

Xavier Charter School

PERSONNEL

Policy: 5820F Classified Employee Evaluation Form

CLASSIFIED EMPLOYEE EVALUATION FORM
Xavier Charter School District #462

Employee Name: _____ **School Year:** _____

Worksite/School: _____ **Supervisor:** _____

- ___ **Custodian**
- ___ **Paraprofessional**
- ___ **School Secretary**
- ___ **Business Manager/District Clerk**
- ___ **Maintenance**
- ___ **Technology**
- ___ **Registrar**
- ___ **Other** _____

Employment Recommendation from Supervisor:

___ **Recommended For Re-Employment**

___ **Not Recommended for Re-Employment**

Explanation of Scale

EE= Exceeds Expectations - Performance consistently exceeds goals and expectations.

ME = Meets Expectations - Performance consistently meets goals and expectations.

IE = Improvement Encouraged - Performance does not consistently meet goals and expectations.

U = Unsatisfactory - Performance does not meet goals and expectations.

NA = Not applicable

Standard 1- General Performance

Provide service within the school, community, and educational profession to improve student learning and wellbeing.

Performance Indicators	EE	ME	IE	U	NA
Works with children in a friendly manner					
Maintains confidentiality of school related business					
Operates within established policy guidelines					
Deals tactfully with co-workers and the public					
Expresses ideas well orally and in writing					
Approaches assignments in a positive manner					
Exhibits cooperation with co-workers					
Listens to and accepts instruction					
Is interested and concerned about his/her work					
Discusses assignments and problems with supervisor					
Is dependable					

Standard 2- Specific Job Performance

Evaluates overall performance in relation to job description.

Performance Indicators	EE	ME	IE	U	NA
Completes work assignments according to job description					
Meets deadlines					
Does routine work without instruction					
Demonstrates care in use of supplies and equipment					
Plans and organizes to accomplish job					
Possesses technical skill to perform job					
Uses proper equipment to perform job					
Is innovative in solving difficult problems					
Works well as a team member					
Shifts to new tasks when priorities change					
Ensures job completion					
Performs quantity of work expected					
Is complete and thorough in paperwork					

Standard 3- Personal Characteristics

Demonstrates positive personal interactions with staff and students.

Performance Indicators	EE	ME	IE	U	NA
Is punctual and regular in attendance					
Uses sick and leave time appropriately					
Maintains a neat appearance					
Follows policies of school, district, and state					
Responds appropriately to student misconduct					
Cooperates with other team members when appropriate					

Employee Comments:

Evaluator Comments:

Classified Employee Evaluation Conference Verification

I have read this evaluation and have had an opportunity to discuss it in a conference with my immediate supervisor. My signature does not imply agreement or disagreement with the content of this report, it only signifies that I have received the report.

Employee Signature

Date

Evaluator Signature

Date

Cross Reference: 5820

Evaluation of Non-Certified Staff

Policy History:

Adopted on: November 15, 2018

Reviewed on: June 17, 2021

Revised on:

Xavier Charter School

PERSONNEL

Policy: 5825 Evaluation of School Bus Drivers

Each school bus driver shall be evaluated annually by the transportation supervisor or Xavier Charter School’s contracted bus provider for the purpose of assessing driver performance. This evaluation shall be conducted in accordance with Policy 5820 or may use the model driver evaluation procedure and form provided by the State Department of Education’s Transportation Department.

The completed evaluation and any rebuttal attached by the driver shall be retained in the driver’s personnel file.

Cross Reference

5205
5800
5820

Description

Job Descriptions
Classified Employment, Assignment, and Grievance
Evaluation of Non-Certified Staff

Legal Reference

I.C. § 33-517
I.C. § 33-518

Description

Non-certificated Personnel
Employee Personnel Files

Other Reference

Idaho State Department of Education Standards for Idaho School Buses and Operations
(available at
<https://boardofed.idaho.gov/resources/standards-for-idaho-school-buseand-operations>
Specifications & Procedures
National School Transportation Specifications & Procedures: Identification and Evaluation of School Bus Route and Hazard Making Systems

Policy History:

Adopted on: July 20, 2017
Reviewed on: June 21, 2018; June 17, 2021
Revised on: February 28, 2019; January 16, 2020, August 21, 2025

Xavier Charter School

PERSONNEL

Policy: 5830P Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

In the event that a contracted provider is responsible for school bus service, it is the responsibility of the contracted provider to incorporate and administer a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382. The contracted provider will provide Xavier Charter School copies of the policies and procedures of the drug and alcohol testing program.

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for Xavier Charter School.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for Xavier Charter School or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug testing program required by law within the previous 30 days, provided that Xavier Charter School has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

2. who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, Xavier Charter School shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by Xavier Charter School. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or Xavier Charter School official trained in accordance with law has reasonable suspicion that the driver has violated Xavier Charter School's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, Xavier Charter School shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

A supervisor or Xavier Charter School official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24

hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates Xavier Charter School prohibitions related to drugs and alcohol shall receive from Xavier Charter School the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated Xavier Charter School's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and Xavier Charter School standards.

Follow-Up Tests

A driver who violates Xavier Charter School's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of Xavier Charter School's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. the person designated by Xavier Charter School to answer driver questions about the materials;
2. the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. specific information concerning driver conduct that is prohibited by Part 382;
5. the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, Xavier Charter School policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, Xavier Charter School shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, Xavier Charter School shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

Xavier Charter School shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

Xavier Charter School shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. Xavier Charter School shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Policy History:

Adopted on: September 2012

Revised on: May 13, 2015; August 16, 2018; June 17, 2021

Xavier Charter School

PERSONNEL

Policy: 5900 Staff Involvement in Decision Making

The Board encourages employee participation in decision making for Xavier Charter School. With the aid of professional and non-professional employees, the Head of Schools and/or designee shall formulate channels (a building advisory committee) for the ready communication of ideas regarding the operation of the schools. The Head of Schools and/or designee shall inform the Board of any recommendations in presenting reports of administrative action and recommendations for Board action.

The Head of Schools and/or designee shall include in the development of rules, regulations, and arrangements for the operation of the school system, whenever feasible, those employees who will be affected by such provisions.

School Board Staff Relations

The Head of Schools and/or designee shall transmit all communications from the Board to the instructional staff, administrative staff, and non-instructional staff. The Head of Schools and/or designee shall transmit communication from staff members to the Board.

Policy History:

Adopted on: September 2012

Reviewed on: June 21, 2018

Revised on: June 17, 2021