

CONCEPTS AND ROLES

The School Board wishes to establish conditions that will attract and hold qualified personnel who will devote themselves to the education and welfare of the students of the district. The Board desires that teachers pursue excellence within their profession and may provide incentives to teachers of demonstrated ability and expertise which will encourage them to stay in the public school system.

Note: A.S. 23.40.250 defines the terms and conditions of employment which are subject to collective bargaining as: "hours of employment, compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of a public employer." Districts should consult legal counsel regarding the scope of negotiations and the district's duty, if any, to bargain.

The Board believes that its personnel policies must be developed in cooperation with staff in an atmosphere of mutual faith and good will. District policies and regulations shall apply only to the extent that they do not conflict with any collective bargaining agreement in effect between the district and its employees.

The Board affirms its intention to have district policies, regulations and procedures conform to the requirements of state and federal laws and regulations.

The School Board

1. Adopts wage and salary schedules.
2. Approves the employment of school personnel.
3. Determines principles of treatment for employees, such as those in connection with sick leave, leaves of absence, inservice training, retirement, etc., either through the policies and regulations of the district or through negotiations with employee organizations in accordance with law.
4. Serves as a court of appeals in cases referred by the Superintendent or designee or which may be appealed by employees directly from the Superintendent or designee's decision, or as specified in adopted employee organization bargaining agreements.

CONCEPTS AND ROLES (continued)

The Superintendent or Designee

1. Nominates for employment all certificated and classified personnel.
2. Is responsible for disciplinary action, including suspension and dismissal, against employees whenever there is sufficient evidence warranting any such action.
3. With the staff, assigns, directs and supervises the work of all employees with due regard for the individual rights involved.
4. Proposes salary schedules for staff members not covered by an employee organization agreement, and advises the Board throughout negotiations with employee organizations on all matters under negotiations.

Working Relationships Between Board and Superintendent or Designee

The Board desires to be guided principally by the advice of the Superintendent or designee in regard to its relations with district personnel.

The Board shall refer direct approaches from employees for Board action to the Superintendent or designee for his/her consideration and judgment. The Board shall act as an appeals body only after receiving the recommendation of the Superintendent or designee.

(cf. 4144 - Grievances / Complaints)

The Superintendent or designee shall conduct the district's personnel relations with fair and sound practices in accordance with Board policy.

Legal Reference:

ALASKA STATUTES

14.08.101 Powers (regional school board)

14.08.111 Duties (regional school board)

14.14.060 Relationship between borough school district and borough

14.14.065 Relationship between city school district and city

14.20.095 Right to comment and criticize not to be restricted

23.40.070-23.40.260 Public Employment Relations Act (PERA)

39.25.110 Exempt service

DRUG AND ALCOHOL-FREE WORKPLACE

Note: The Drug-Free Workplace Act of 1988 requires districts to adopt policy maintaining drug-free workplaces as specified by law and to notify their employees of such policy. The following policy complies with the Drug-Free Workplace Act, Drug-Free Schools and Communities Act and the Omnibus Transportation Employee Testing Act of 1991. The Drug-Free Schools and Communities Act includes alcohol in addition to "controlled substances," and applies to districts that receive federal funds either directly or indirectly.

The School Board believes that the maintenance of drug-free and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance before, during or after school hours at school or in any other district workplace or at any district-sponsored activity.

The Superintendent shall:

1. Publish and give to each employee a notification of the Board's policy mandating a drug-free and alcohol-free workplace. The notification shall specify the actions that will be taken against employees who violate these prohibitions. It also shall state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer of any criminal drug or alcohol conviction for a violation occurring in the workplace. Such notice by the employee must be made within five (5) days from the date of the conviction.

For the purpose of this policy, "conviction" shall mean a finding of guilt by any judicial body charged to determine violations of federal or state criminal drug or alcohol laws, whether such finding is made following a trial or by entry of a plea of guilty or nolo contendere.

2. Establish a drug and alcohol awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace.
 - b. The district policy of maintaining drug-free and alcohol-free workplaces.
 - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs known to the district.
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification from an employee, or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice from an employee, or otherwise, of a conviction for a violation in the workplace. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to maintain a drug- and alcohol-free workplace throughout the district.

When required by law, the superintendent shall terminate an employee. When termination is not required by law, the superintendent shall (a) take appropriate disciplinary action, including termination when warranted, or (b) require the employee to satisfactorily participate in, and complete, an approved drug assistance or rehabilitation program. The superintendent's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

(cf. 3514 - Safety)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4159 - Employee Assistance Programs)

(cf. 4158/4358 - Employee Security)

(cf. 4218.1 - Drug and Alcohol Testing for School Bus Drivers)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

THE DRUG-FREE WORKPLACE ACT OF 1988

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1986, as amended

CONTROLLED SUBSTANCES ACT,

21 CODE OF FEDERAL REGULATIONS

1300.1-1300.15

Revised 2/95

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

**YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997**

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**Purpose**

Note: The federal Omnibus Transportation Employee Testing Act of 1991 requires that all persons subject to commercial driver's license requirements be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin) and phencyclidine (PCP). Regulations require districts to begin testing programs on January 1, 1995 (for districts that had 50 or more drivers as of March 17, 1994) and on January 1, 1996 (for districts that had fewer than 50 drivers on March 17, 1994). In AS 14.09.025, the Alaska Legislature enacted its own statutory requirement for testing bus drivers, which is in effect for all Alaska districts that employ bus drivers. This area, especially post-employment testing of drivers, involves constitutional issues. School districts should refer to legal counsel in designing and implementing drug testing procedures.

The superintendent shall establish and implement a drug and alcohol testing program for all bus drivers employed by the school district, in accordance with state and federal law. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of drugs and alcohol by bus drivers. This program shall test drivers for the improper use of drugs and alcohol, and shall include random testing. Improper use of drugs and alcohol consists of use that constitutes a criminal offense, or otherwise violates the regulations of the Department of Education.

Prohibited conduct

No personnel employed by the school district as drivers of motorized vehicles used to transport students shall report for duty requiring the performance of safety-sensitive functions, or remain on duty, when the driver uses any controlled substance or has a prohibited concentration of alcohol in the driver's system. The only exception is when a driver has used a controlled substance pursuant to the instructions of a qualified physician who has advised the driver in writing that the substance does not adversely affect the driver's ability to safely operate a motorized vehicle for the transportation of students. Drivers shall provide a copy of the physician's written advise to the driver's supervisor prior to operating any motor vehicle for the school district.

Required Testing

Drivers shall be subject to pre-employment/pre-duty, reasonable suspicion, random, post-accident, return to duty and follow-up alcohol and drug testing. Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions, which include just before or just after the employee performs the safety-related function for the district. Controlled substance testing may be performed at any time the driver is at work. An employee subject to this testing may not refuse to take a test when required.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

Note: Under 49 CFR Part 40, the Department of Transportation has made specimen validity testing (SVT) mandatory within the regulated transportation industries. Making SVT mandatory has become necessary because of the increase in products designed to adulterate specimens, which has made tampering with specimens more prevalent.

Consequences for failing or refusing to take a required test

A refusal to take a required test shall be considered in violation of the employee's contractual obligations to the district, and may constitute grounds for the employee's termination from employment with the district. If testing confirms prohibited alcohol concentration levels or the unauthorized presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with law. The district may reassign the employee to non-safety-related functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority, consistent with state and federal law, to discipline or discharge any driver who is alcohol or chemically dependent and whose current use of alcohol or drugs impairs the employee's job qualifications or performance. Before a driver may be reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified results.

Except as required by law or collective bargaining agreement, the district is not required to provide rehabilitation, pay for substance abuse treatment or to reinstate a driver who has failed a required drug or alcohol test. All employment decisions involving reassignment, reinstatement, termination or dismissal from employment shall be made in accordance with applicable district policies and procedures.

Records

The district shall keep and maintain testing records, and shall maintain the confidentiality of those records, in accordance with law. Testing records, and any information about false positive test results, shall not be released without the written consent of the employee. The district shall not retain records of false positive test results in the employee's employment records.

Training

The district shall take steps to ensure that supervisors receive appropriate training to administer the district's drug and alcohol testing program, and that employees receive the notifications required by law.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

(cf. 4020 - Drug and Alcohol Free Workplace)
(cf. 3514 - Safety)
(cf. 4158/4358 - Employee Security)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

ALASKA STATUTES

AS 14.09.025 (Drug Testing for School Bus Drivers)

FEDERAL LAW

Omnibus Transportation Employee Testing Act of 1991

The Drug-Free Workplace Act of 1989

The Drug-Free Schools and Communities Act of 1986, as amended

International Brotherhood of Teamsters v. Dept. of Transportation, 932 F.2d 1292 (1991).

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: August 10, 2009

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

School bus drivers employed by the district are subject to drug and alcohol testing pursuant to a program that complies with state and federal law. These district regulations reflect several requirements of the federal drug testing regulations, but are not intended to modify or limit the procedures for drug and alcohol testing specifically addressed in state or federal law. District personnel will adhere to the detailed provisions of these laws in administering the district's testing program.

Definitions

For purposes of these regulations, the term "tests" includes both drug and alcohol tests, unless specifically stated otherwise, in context.

The terms "drugs" and "controlled substances" have the same meaning and are interchangeable in these regulations.

"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 the driver is relieved from work and all responsibility for performing work as a driver. These functions include by way of example, 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 the district.

Prohibited conduct

Drivers shall be prohibited from any drug or alcohol use that could affect performance on the job, including use during the four hours before driving, during any period of time the employee is driving, and during the eight hours following an accident, should one occur.

Note: Pursuant to 49 CFR 382.213, the school district may require a driver to inform the district when using a controlled substance prescribed by a physician who had advised that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Any driver required to use a controlled substance during any of these periods shall obtain in advance a written statement from a qualified physician instructing the employee to use the controlled substance and advising the employee that the substance does not adversely affect the employee's ability to safely operate a school bus or other motor vehicle. It is the employee's responsibility to submit this document to the employee's supervisor prior to using the controlled substance during any of the prohibited periods described above, and to use the substance in accordance with the physician's instructions.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

REQUIRED TESTING

Pre-employment tests

Drug and alcohol tests will be required of an applicant for a position as a bus driver only after the individual has been offered the position. Pre-employment tests shall be conducted before the first time a driver performs any safety-sensitive function for the district. Employment with the district is conditional upon the applicant successfully passing these tests.

Unless otherwise prohibited by law, 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 the district has been able to make all verifications required by law.

Post-accident tests

Before any employee may operate a school bus, the district will provide the employee with information concerning post-accident testing procedures. Alcohol and drug tests will be conducted as soon after an accident as is practicable on any driver who:

1. was performing a safety-sensitive function with respect to the vehicle and the accident involved serious injury or the loss of human life.
2. received a citation under any state or local law for a moving traffic violation arising out of the accident.

Drivers shall make themselves readily available for drug and alcohol testing after an accident, absent the need for immediate medical attention. No driver involved in any accident, whether or not there was serious injury or death, may use alcohol or a controlled substance for eight hours after the accident, or until the employee has undergone a drug and alcohol test, whichever is first.

If an alcohol test is not administered within two hours after the accident, or a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was delayed or not conducted.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

Reasonable suspicion tests

Note: Pursuant to 49 CFR 382.603, persons designated to determine whether reasonable suspicion exists must receive at least 60 minutes of training that covers the physical, behavioral, speech and performance indicators of alcohol misuse and an additional 60 minutes of training that covers these indicators of controlled substance use.

Whenever a supervisor or district official has a reasonable suspicion that a bus driver has violated the district's prohibitions against the improper use of alcohol or drugs, the district may conduct a test of that driver. This reasonable suspicion must be based on specific, contemporaneous, articulated observations concerning the driver's appearance, behavior, speech or body odors. These observations also may include indications of chronic use or the withdrawal effects of controlled substances.

Alcohol tests will be 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 these prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why a test was not conducted within that time. Attempts to conduct an alcohol test will terminate after eight hours.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of the observations made that lead to a reasonable suspicion. This written record must be made within 24 hours of the time the test is given, or before the test results are released, whichever is first. The individual making the reasonable suspicion shall not be the individual conducting the test, unless other persons qualified to administer the test are not reasonably available and there is danger that a proper test will not be conducted.

Random tests

Note: The random tests described below must be conducted throughout the calendar year, not just at one time. Further, they should not be conducted at the same time each calendar year, and employees should be tested the same day as the tests are announced. The Omnibus Transportation Employee Testing Act of 1991 regulations were revised in 2001 to reduce from 25% to 10% the minimum percentage of employees required to be randomly tested for alcohol.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

Drug and Alcohol tests of bus drivers shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol or drugs shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 10% 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.

Return to duty tests

Prior to being permitted to return to performing safety-sensitive functions for the school district, a driver shall be administered a drug or alcohol test, as appropriate. Employees whose conduct involved misuse of drugs or alcohol may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result or the return-to-duty alcohol test produces a verified result that meets federal and district standards.

Note: Pursuant to 49 CFR 382.605, an employee whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the employee undergoes a return-to-duty alcohol test with an alcohol concentration of less than 0.02. However, more restrictive statutory and regulatory provisions also may apply in addition to the DOT regulations. Under the Drug-Free Workplace Act, for example, a school district employee cannot be under the influence of alcohol on school grounds.

Note: Pursuant to 49 CFR 40.67(b), direct observation of follow-up and return-to-duty drug tests are now mandatory rather than discretionary to minimize cheating in drug tests. However, where additional testing methodologies are approved by DHHS and adopted by DOT, DOT intends to make these methods available as an alternative to direct observation urine testing.

Follow-up tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as requiring assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the professional, in accordance with law. Follow-up alcohol testing will be conducted just before, during or just after the time when the driver is performing safety sensitive functions.

Note: Pursuant to 49 CFR 40.67(b), direct observation of follow-up and return-to-duty drug tests are now mandatory rather than discretionary to minimize cheating in drug tests. However, where additional testing methodologies are approved by DHHS and adopted by DOT, DOT intends to make these methods available as an alternative to direct observation urine testing.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

Enforcement

Note: 49 CFR Section 382 provides that a driver who is tested and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. Under 49 CFR 382, this is the only action the employer can take based solely on an alcohol concentration of 0.02 or greater, but not less than 0.04. However, pursuant to 49 CFR Section 382.505, this does not prohibit an employer with authority independent of Part 382 from taking any action otherwise consistent with law.

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 in violation of this policy or law shall be subject to disciplinary action up to, and including, dismissal.

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 the employee's use of drugs or alcohol, including any records pertaining to the employee's drug or alcohol tests.

Records shall be made available to a subsequent employer or other identified persons only as permitted by law and expressly requested, in writing, by the driver.

Note: Where state law requires, employers and third party administrators may disclose drug and alcohol violations of employees holding commercial drivers licenses (CDL) to state CDL authorities. Such disclosure is not permitted in Alaska. Under Alaska Statute 23.10.660, drug testing results may not be disclosed except 1) to the tested employee, 2) individuals designated by an employer to evaluate test results or hear the explanation of the employee, or 3) as ordered by court or governmental agency.

Notifications

Note: Pursuant to 49 CFR 382.601, the school district must provide the following information to all drivers. Materials supplied to drivers may also include information about other policies and disciplinary consequences based on the district's authority under state and other law, and described as such. The school district must ensure that each driver signs a statement certifying that the employee has received a copy of these materials.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

Each driver shall receive copies of educational materials that explain the requirements of the Code of Federal Regulations (CFR), Title 49, Part 382, together with copies of any other required materials and a copy of the district'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 the district 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 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 effect of drugs and alcohol on an individual's health, work and personal life; sign 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 or referral to management.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

Each driver shall sign a statement certifying that the employee has received a copy of the above materials.

Note: 49 CFR 382.113 requires the school district to inform the employee, before tests are performed, that the tests are required by 49 CFR 382. 49 CFR 382.113 also states that employers shall not falsely represent that a test administered under their own or other authority is being administered under the authority of the Federal Highway Administration. If the school district establishes a testing program before the compliance date required by federal regulations, the following paragraph should be deleted until after the compliance date.

Before any employee operates a commercial motor vehicle for the school district, the district shall provide the employee with post-accident procedures that will make it possible for the employee to comply with post-accident testing requirements.

Prior to performing drug and alcohol tests, the district shall inform drivers that the tests are given pursuant to the Code of Federal Regulation, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The district 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 the employee's employment application.

The district shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall tell the driver which controlled substances were verified as positive.

Revised 1/09

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: May 16, 2005
Revised: August 10, 2009

NONDISCRIMINATION IN EMPLOYMENT

Note: Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective November 21, 2009, protects applicants and employees from employment discrimination based on genetic information. Employers are prohibited from discriminating in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The district and its employees shall not unlawfully discriminate against or harass employees or job applicants on the basis of sex, race, color, religion, national origin, ancestry, age, marital status, changes in marital status, pregnancy, parenthood, physical or mental disability, Vietnam era veteran status, genetic information, or good faith reporting to the board on a matter of public concern.

(cf. 4119.11 - Sexual Harassment)
(cf. 4161.4 – Family and Medical Leave)

Note: The Americans with Disabilities Act sets forth an employers' duty to reasonably accommodate persons with disabilities.

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The district shall not discriminate against persons with physical or mental disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question.

(cf. 0411 – Service Animals)
(cf. 4119.41 - Employees with Infectious Disease)

Note: Federal Regulations (45 CFR, Section 86.9) require federal aid recipients to take "continuing steps" to notify applicants for employment that, in compliance with Title IX, they do not discriminate on the basis of sex. Districts employing 15 or more persons also must give "continuing" notification about nondiscrimination on the basis of handicap. (Vocational Rehabilitation Act of 1973)

The Superintendent or designee shall publicize this policy annually throughout the district and the community.

(cf. 1312.3 - Complaints Concerning Discrimination)
(cf. 4111.1 - Affirmative Action)

Legal Reference (see next page):

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

ALASKA STATUTES

14.18.010 *Discrimination based on sex and race prohibited*

14.18.020 *Discrimination in employment prohibited*

14.18.090 *Enforcement by state board of education and early development*

18.80.220 *Unlawful employment practices*

39.90.100 *Nondiscrimination – Protection for whistleblowers*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.510 *Discrimination in hiring practices*

UNITED STATES CODE

29 U.S.C. 621-634 *Age Discrimination In Employment Act*

29 U.S.C. 791 et seq. *Vocational Rehabilitation Act of 1973, Sections 503 and 504*

38 U.S.C. 2011 et seq. *Vietnam Era Veterans' Act*

42 U.S.C. Ch. 21F *Prohibiting Employment Discrimination on the Basis of Genetic Information*

42 U.S.C. 2000d-200d-7 *Title VI of the Civil Rights Act*

42 U.S.C. 2000e-2000e-17 *The Equal Employment Opportunities Act*

42 U.S.C. 12101-12213 *Americans With Disabilities Act*

Revised: May 6, 2002
YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: May 6, 2002
Revised: June 29, 2010
Revised: April 4, 2011
Revised: May 7, 2012

**EMPLOYEE NOTICE
PROTECTION FOR WHISTLEBLOWERS**

Any employee of the school district may in good faith report to a public official or a public body or testify before a public body about a matter of public concern.

A matter of public concern means a violation of federal, state, or local law (including school board policy), a danger to public health or safety, gross management (including a substantial waste of funds or clear abuse of authority) or matter under investigation by the municipal ombudsman.

A report may not disclose any information which is legally required to be kept confidential.

An employee initiating a report must first submit the report to the employee's immediate supervisor unless the employee reasonably believes: it would be futile to report to the supervisor, an emergency exists, or that reprisals or discrimination would result.

Employee protections and obligations regarding reports on matters of public concern are fully stated in Alaska Statute 39.90.100-150.

**YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997**

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996
(HIPAA) PRIVACY POLICY**

Note: The following policy is provided for those school districts who are a “covered entity” under the Health Insurance Portability and Accountability Act (“HIPAA”). You are advised to consult legal counsel to determine if you are a covered entity for HIPAA purposes. The privacy and notice requirements under HIPAA are extensive and include privacy procedures, notification of privacy rights, employee training, designation of individuals responsible for ensuring HIPAA compliance, and physically securing identifiable health information. A brief explanation is provided below identifying which entities are “covered” under HIPAA. This discussion is not complete and should not be solely relied upon to determine whether your district is a covered entity.

For the purposes of student records, schools receiving federal education funding must comply with the Family Educational Rights and Privacy Act (“FERPA”). Student records policies and procedures complying with FERPA are found at BP/AR 5125. Under FERPA, educational records include student health records and special education records. HIPAA is not applicable to student education records. HIPAA, however, may apply to your staff members’ health records although general employment records are excluded from HIPAA as well. Even for staff records, though, you need not comply with HIPAA regulations unless your district is otherwise a “covered entity.” A district can be a covered entity as a “health care provider” only if it handles health billing and related transactions electronically. It can also be a covered entity in certain circumstances if it operates a “health plan” for its employees.

The following policy declares your district a “hybrid entity.” The “hybrid entity” standards under HIPAA recognize that many entities have different purposes and functions. Under HIPAA, where any individual component of an entity is either a “health plan” or “health care provider,” the entire operation will be deemed covered by HIPAA unless the entity both designates and documents itself as a hybrid entity. 45 C.F.R. §164.405.

HIPAA Coverage

The District has determined that certain functions of the District are covered functions, making the District a covered entity under HIPAA. The District is covered in [one/two] [way/ways]. The District is a “health plan” as defined by HIPAA, and/or the District is a “health care provider” as defined by HIPAA. The District declares itself to be a “hybrid entity,” which means that only the covered functions of the District’s operations (i.e., group health plan) are subject to HIPAA.

Implementation Procedures For Health Plan Records

In order to comply with HIPAA’s privacy standards, the District has taken the following steps:

1. Contact Person. The District has designated the [insert job title, i.e., Business Manager, Benefits Specialist] as the contact person responsible for receiving complaints about HIPAA compliance and providing additional information about the District’s HIPAA practices and procedures.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA PRIVACY POLICY)

2. Privacy Officer. The District has designated the [insert job title, i.e., Business Manager, Benefits Specialist] as the Privacy Officer for HIPAA purposes. The Privacy Officer is responsible for developing and implementing privacy policies and procedures for the District, training District staff, and monitoring compliance. The Privacy Officer shall also be responsible for receiving complaints about HIPAA violations and for providing information about matters covered by privacy notices.

3. Security of PHI Records. District officials must ensure that health plan records containing individually identifiable personal health information (PHI) are secure so that these records are readily available only to the minimum number of individuals who need them to carry out Treatment, Payment or health care Operations (TPO). The Privacy Officer shall develop reasonable administrative, technical and physical safeguards to protect the privacy of PHI. The [Superintendent/Chief School Administrator] or designee should review these practices on a periodic basis.

4. Authorization of Disclosure of PHI. HIPAA does not require participant authorization for health plan officials to use or disclose PHI for purposes of treatment, payment or health care operations. With some exceptions, disclosure of PHI by health plan officials (except for purposes of treatment, payment or health care operations) requires written authorization signed by the individual in question. The Privacy Officer shall determine activities and transactions that require an authorization and will develop an authorization form that complies with the HIPAA Privacy Rule.

5. Notice of Privacy Practices. District officials will provide a notice to health plan participants about their privacy rights and how their PHI will be used. Such information is known as a Notice of Privacy Practices. The notice must not only be provided by the date of disclosure, except in an emergency, but the District must make a good faith attempt to obtain the individual's acknowledgment of receipt of such notice.

6. Business Associates. A "business associate" is an outside business that provides various administrative services or assists with the District's health plan. The District shall identify its business associates and shall enter into a written contract to safeguard PHI before the District can share PHI with the Business Associate. The deadline for having agreements in place is April 14, 2004.

7. Training. The District shall train those District employees who work in areas covered by the HIPAA Privacy Rule and who have access to PHI to follow the appropriate procedures to ensure PHI is not disclosed except as allowed by law.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA PRIVACY POLICY)

8. Complaints. There shall be a complaint procedure in place whereby written complaints related to PHI and HIPAA standards may be lodged. Any complainant is entitled to a hearing before the privacy officer, who has 10 school days to rule on such complaint. If the complainant is not satisfied with the disposition of the complaint, he/she may appeal to the Superintendent or his or her designee, who shall review the matter and make a final decision within 15 school days of receiving written notice of the appeal. The District shall not intimidate, threaten, coerce, discriminate against, or take any other retaliatory action against any individual exercising his or her HIPAA rights.

Student Records

The HIPAA Privacy Rules expressly exempt from coverage student records covered by the federal law known as the Family Educational Rights and Privacy Act (FERPA). Such records are not governed by HIPAA even if they contain individually identifiable health information.

Employee Records

The HIPAA Privacy Rule does not govern a school district's obligations as an "employer" to maintain, use or disclose medical records of its "employees." Those obligations flow from the Americans with Disabilities Act and should be dealt with in accordance with those laws. Similarly, the HIPAA Privacy Rule prohibits the District from using PHI created or received by the group health plan for employment-related functions.

Legal Reference:

Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and applicable regulations 45 C.F.R. Part 160 and 164

YAKUTAT SCHOOL DISTRICT

Adopted: May 16, 2005

Revised: August 10, 2009

RECRUITMENT AND SELECTION

Note: For districts receiving Title I funds, Section 1119 of the No Child Left Behind Act of 2001 requires that all teachers hired on or after the first day of the 2002-03 school year to teach in a program supported by Title I funds must be “highly qualified.” The law also requires that all teachers teaching core academic subjects within the state must be “highly qualified” by the end of the 2005-06 school year. “Core academic subjects” are defined as including English, reading or language arts, mathematics, science (biology, chemistry, earth science, physical science, physics), foreign languages, civics and government, economics, music, theater, art, social studies, history and geography. Each district receiving Title I funds is required to develop a plan to ensure that all of its teachers are highly qualified by June 30, 2006. Section 1119 further authorized any district receiving Title I funds to utilize 5-10 percent of Title I funds for fiscal years 2002 and 2003, and at least 5 percent of each subsequent year, for professional development activities to ensure teachers become highly qualified by 2005-06.

Note: In 2004, the Alaska Department of Education and Early Development defined “highly qualified” to mean that the teacher must have at least a bachelor’s degree, full state certification, and have demonstrated subject matter competency in each of the core academic subjects taught by the teacher. Full state certification includes a Type A Regular, Provisional, or Temporary Certificate; Reemployment Certificate; or Subject Matter Limited Expert Certificate. It does not include an emergency certificate. State regulations further explain that subject matter competency may be demonstrated through successful completion of a Praxis II test; holding a major, major equivalent (30 semester hours), an advanced degree or advanced certification in the content area; or building a HOUSSE.

The district shall employ the most highly qualified person available for each open position. The Superintendent or designee shall develop recruitment and selection procedures to ensure that every effort is made to find and hire fully qualified teachers for all classrooms, which include:

1. Assessment of the district's needs to determine those areas where specific skills, knowledge and abilities are lacking.
2. Development of job descriptions which accurately portray the position, including requirements that a teacher be highly qualified in accordance with federal and state law.
3. Dissemination of vacancy announcements to ensure a wide range of candidates, when necessary.
4. Screening procedures which will identify the best possible candidates for interviews.
5. Interview procedures which will determine the best qualified candidate for recommendation to the Board.

Staff members involved in the selection process shall recommend only those candidates who meet all qualifications established by law and the Board for a particular position. Nominations for employment shall be based upon appropriate screening devices, interviews, observations, recommendations from previous employers and any requirements of applicable collective bargaining agreements.

RECRUITMENT AND SELECTION (continued)

Note: Teachers in rural schools who are already highly qualified in one of the core academic subjects they teach have until March 15, 2007 to become highly qualified in all academic subjects they teach. Teachers hired in rural schools for the 2004-2005 school year have until June 30, 2007, to meet the highly qualified requirements if they are already highly qualified in a core academic area.

All teachers hired on or after the first school day of the 2002-2003 school year and working in a program supported with Title I funds shall be highly qualified as defined by the No Child Left Behind Act, as well as state law. All teachers teaching in core academic subjects must be highly qualified by June 30, 2006, unless further time is permitted by law.

Note: The Alaska Professional Teaching Practices Commission recommends that districts develop a policy regarding the procedures to be followed when desiring to hire an educator currently under contract with another school district. The following policy language is based on procedures developed by the Fairbanks North Star Borough School District.

Before considering the hire of a certificated staff member who is currently under contract in another district, the Superintendent or designee will require the certificated staff to provide written documentation that he/she:

- has made an effort to secure a release from the employing district thirty calendar days prior to the employing district's first contract day or
- has secured a written release from the employing district.

Note: A subject-matter expert teacher, holding a limited certificate issued by the Department, may be employed to teach subjects in which the person has satisfied the education or experience requirements set out in state statute AS 14.20.020. Before a school district determines whether to hire a person as a subject-matter expert teacher, the school district must administer a competency examination. Additionally, once a subject-matter expert teacher is hired, the district must provide a mentor who is an experienced teacher for the subject-matter expert teacher for at least the first year of the subject-matter expert teacher's employment in the school district. A person employed as a subject-matter expert teacher under this section is considered a certificated employee for purposes of the teachers' retirement system. Finally, employment as a subject-matter expert teacher counts as employment for purposes of acquiring tenure; however, a person holding a subject-matter expert limited teacher certificate is not entitled to tenure until the person receives a teacher certificate under AS 14.20.020.

(cf. 4112.8 - Employment of Relatives)

Note: SB 430 (statutes of 1992) amended A.S. 14.20.020 to require coursework in Alaska studies and multicultural education or cross-cultural communications in order to be eligible for a teacher certificate. SB 430 also added A.S. 14.20.035 which requires districts to give preference to applicants who demonstrate training or experience that indicates sensitivity to the traditions and cultures represented in the student population. Beginning July 1, 1998, a person will not be eligible for a regular teaching certificate unless he/she has successfully completed a competency exam. A.S. 14.20.020, as amended by HB 145 (1997). An exam will not be required of those individuals already holding a valid regular teaching certificate.

Recruitment and Selection (continued)

In evaluating applicants, preference shall be given to those applicants who can demonstrate training and experience related to the traditions and cultures represented in the student population.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111.1/4211.1/4311.1 - Affirmative Action)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee. The Board shall be presented with the Superintendent or designee's recommended candidate who may be selected or rejected by the Board. If the candidate is rejected, the Superintendent or designee shall recommend subsequent candidates until the Board selects someone to fill the position. The Board shall make the final decision on the selection of all employees.

(cf. 6181 - Charter School)

Note: 14.08.111 and 14.14.090 require districts to provide prospective employees with information regarding the availability and cost of housing in rural areas to which they may be assigned and when possible assist them in locating housing. The following may be revised or deleted as appropriate.

The Board recognizes that the district encompasses rural areas and will assist teachers in obtaining information regarding the cost and availability of housing as required by law.

Legal Reference:

ALASKA STATUTES

14.08.111 Duties (regional school boards)

14.14.090 Additional duties

14.20.022 Subject-matter expert limited teacher certificate

14.20.035 Evaluation of training and experience

14.20.100 Unlawful to require statement of religious or political affiliation

14.20.110 Penalty for violation of AS 14.20.100

ALASKA ADMINISTRATIVE CODE

4 AAC 04.210, 04.212 and 06.899(6) Highly Qualified Teachers and Objective Uniform Standards

6 AAC 30.810 Employer records

6 AAC 30.840 Retention of records

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

UNITED STATES CODE, TITLE 20

§ 1119 No Child Left Behind Act of 2001, P.L. 107-110

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a) Control of Employment of Aliens

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: May 6, 2002

Revised: March 7, 2005

Revised: May 16, 2005

All Personnel

BP 4111.2
4211.2
4311.2

LEGAL STATUS REQUIREMENT

Note: Employers are required to comply with the federal Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. On an individual basis, an employer may hire a citizen rather than an alien, if desired, provided the two individuals are equally qualified. However, an employer may not adopt a blanket policy of always preferring a qualified citizen over a qualified alien.

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. The district will verify the identity and employment eligibility of all individuals hired to work. The district will not continue the employment of an individual upon knowledge that he or she is no longer lawfully authorized to work in the United States.

District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111/4211 - Recruitment and Selection)

Note: Employers may be subject to fines and/or imprisonment if they fail to request evidence of employment eligibility or if they knowingly hire or continue to employ undocumented workers. Under 2009 amendments to federal regulations, the term “knowing” includes not only actual knowledge but also knowledge which may fairly be inferred through notice of certain facts and circumstances which would lead a person, through the exercise of reasonable care, to know about a certain condition. Constructive knowledge may include, but is not limited to, situations where an employer: (i) fails to complete or improperly completes the Employment Eligibility Verification Form, 1-9; (ii) has information available to it that would indicate that the alien is not authorized to work, such as Labor Certification and/or an Application for Prospective Employer; or (iii) acts with reckless and wanton disregard for the legal consequences of permitting another individual to introduce an unauthorized alien into its work force or to act on its behalf. Knowledge that an employee is unauthorized to work may not be inferred from an employee’s foreign appearance or accent.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law.

Legal Reference (see next page):

All Personnel

BP 4111.2(b)

4211.2

Legal Status Requirement

4311.2

Legal Reference:

UNITED STATES CODE

8 U.S.C. 1324 Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS

8 C.F.R. Part 274(a) Control of Employment of Aliens

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: September 21, 2009

Revised: June 29, 2010

LEGAL STATUS REQUIREMENT

Note: Throughout the following regulation, substitute for "personnel officer" the title of the employee who is assigned by your district to verify work eligibility documentation.

When being hired by the district for any kind of work, prospective employees shall be informed that they will be asked, within three days of employment, to show documents which certify their work eligibility and identity. Persons employed for three days or less must provide such documentation on their first day. This documentation may consist of one item in group A below, or two items, one from group B and one from group C below.

Note: Pursuant to the Immigration Act of 1990, an employer cannot require an employee to present more or different documents than those required by law, nor can an employer refuse to honor documents which on their face reasonably appear to be genuine and related to the person presenting them. Employees can choose whichever documents they want to present from the lists of acceptable documents.

Group A - Documents Establishing Both Work Authorization and Identity

1. A United States passport, unexpired or expired.
2. A Certificate of U.S. Citizenship (INS Form N-560 or N-561).
3. A Certificate of Naturalization (INS Form N-550 or N-570).
4. An unexpired foreign passport with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization.
5. An Alien Registration Receipt Card with photograph (INS Form I-151 or I-551).
6. An unexpired Temporary Resident Card (INS Form I-688).
7. An unexpired Employment Authorization Card (INS Form I-688A).
8. An unexpired Reentry Permit (INS Form I-327).
9. An unexpired Refugee Travel Document (INS Form I-571).
10. An unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B).

All Personnel

AR 4111.2(b)
4211.2
4311.2

Legal Status Requirement (continued)

Group B - Documents Establishing Identity

1. A driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address.
2. An ID card issued by federal, state or local government agencies or entities. provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address.
3. A school ID card with a photograph.
4. A voter's registration card.
5. A U.S. military card or draft record.
6. A military dependent's ID card.
7. A U.S. Coast Guard Merchant Mariner Card.
8. Native American tribal documents.

Note: Should an individual present a native American tribal document which establishes both work eligibility and identity, only that one document would be needed.
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9. A driver's license issued by a Canadian government authority.

Group C - Documents Establishing Work Eligibility

1. A U.S. Social Security card issued by the Social Security Administration, other than one stating it is not valid for employment.
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350).
3. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States, bearing an official seal.
4. A Native American tribal document.
5. A U.S. Citizen ID Card (INS Form I-197).

All Personnel

AR 4111.2(c)
4211.2
4311.2

Legal Status Requirement (continued)

6. An ID Card for use of Resident Citizen in the United States (INS Form I-179).
7. An unexpired employment authorization document issued by the INS, other than those listed in Group A.

If a minor has a work authorization document but does not have any of the identity documents in Group B, he/she may establish identity by means of a school record or report card; clinic, doctor or hospital record; or a day-care or nursery school record. Lacking any of these, he/she still may work, provided that a parent/guardian completes Section 1 of Form I-9 for the minor. In the space for the minor's signature, the parent/ guardian must write "minor under age 18." The parent/guardian also must complete the "Preparer/Translator Certification" section. In Section 2 under List B after the words "Document #," the personnel officer should write "minor under age 18."

If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three days of the hire, and the document itself must be provided within 90 days of the hire.

Note: To continue employing an alien authorized by a work permit or other document which establishes only temporary work authorization, the employer is responsible for verifying renewal of eligibility when the document expires. Temporary work authorizations therefore should be flagged as indicated below.

The personnel officer shall examine the documents presented and record the expiration date as it appears on all work authorization permits. This expiration information shall be subsequently flagged so as to remind the personnel officer to verify that the permit has been renewed and that the employee is still eligible to work.

Should an employee present two documents on which the individual's name is not the same, the personnel officer shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court order or other legal document verifying the name change.

Note: When inspecting documents which establish employment eligibility, the employer is only required to be satisfied that the documents reasonably appear on their face to be genuine. If the Board decides to make copies of the documents presented, we recommend that the district specify a procedure for protecting the confidentiality of the information they contain.

All Personnel

AR 4111.2(d)
4211.2
4311.2

Legal Status Requirement (continued)

After examining the documents presented, the personnel officer shall copy them. Such copies shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

Note: The means selected for protecting confidentiality should be conspicuous enough to prevent mistakes. The following procedure should be revised to reflect district practice.

To protect full confidentiality, the personnel officer shall seal these copies in an envelope on which the following message has been printed:

The enclosed documents, provided only to verify work eligibility for (name of employee), were examined on (date) by (signature). This sealed envelope may be opened only by the Superintendent or designee. Refer to BP/AR 4111.2/4211.2/4311.2 for current regulations.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

The personnel officer shall ask the employee to complete and sign INS Form I-9.

Note: Employers should help employees in completing INS form I-9 only in the case of individuals who cannot read, who cannot write, or who need the form translated. If such help is necessary, the reader, assister or translator also must sign the form and should be careful to give only procedural assistance and offer no counsel with regard to the individual's status.

Note: The I-9 form must be completed within three business days of the hire. If the term of employment is three days or less, the form must be completed before the end of the first working day. I-9 forms are not needed for persons who are independent contractors or who are employed by a contractor providing contract services.

The personnel officer shall complete and sign the I-9 form and shall assure that it is kept until a full year after the employee leaves the job.

Note: We suggest that I-9 forms be kept together in a separate file so that they may be more easily located and handled if the INS comes to check them.

All I-9 forms shall be kept together in a separate file for at least three years from the hiring date. Where the employment extends longer, the I-9 shall be kept for the life of employment and for one year following termination of employment. I-9 forms shall be kept for all employees hired after November 6, 1986.

All Personnel

AR 4111.2(e)
4211.2
4311.2

Legal Status Requirement (continued)

Note: Without a warrant or subpoena, INS officers may not inspect any personnel documents other than the I-9 form and documents maintained by the employer to substantiate the I-9 form. The ins is required to provide at least three days' notice prior to inspecting I-9 forms.

I-9 forms shall be available for inspection upon request by officers of the Immigration and Naturalization Service or the Department of Labor. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

The Superintendent or designee shall open the sealed envelope containing copies of an employee's work authorization documents only in connection with inquiries by the INS.

In order to avoid the loss of any employer rights, all communications received from the Immigration and Naturalization Service shall be answered within 30 days.

Note: Employers who receive "Notice of Intent to Fine" may request a hearing, but this request must be made within 30 days.

Personnel

CERTIFICATED PERSONNEL

BP 4112.1

CONTRACTS

Note: Pursuant to AS 14.20.130 the School Board may issue contracts after January 1 each year. 4 AAC 18.010 specifies minimum requirements for teacher and administrators contracts. Contracts must be signed by at least two School Board members and the teacher.

After January 1, the School Board may issue teacher contracts for the following school year. Contracts shall be approved by the School Board and signed by at least two School Board members.

Note: AS 14.20.145 grants automatic reemployment rights to teachers who are not dismissed or given notice of nonretention or layoff. Nontenured teachers must be given notice of nonretention or layoff by the end of the school year. Tenured teachers must be given notice of layoff or nonretention before May 15. (See 4117.6)

The School Board shall give or mail reemployment contracts to teachers who are not dismissed or given notice of nonretention or layoff in accordance with law. If an employee fails to notify the Superintendent or designee within 30 days after receipt of a contract of reemployment that he/she accepts reemployment, the School Board shall consider the employee to have declined reemployment and shall terminate the employee's services at the expiration of the existing contract. An employee on family leave must comply with the 30-day deadline.

(cf. 4117.4 - Dismissals)

(cf. 4117.6 - Nonretention)

(cf. 4119.21 - Code of Ethics)

Note: Pursuant to 4 AAC 18.021 substitute teachers employed for the remainder of the school term when more than 20 school days remain must be employed under employment provisions for regular teachers.

Legal Reference:

ALASKA STATUTES

14.20.130 *Employment of teachers and administrators*

14.20.145 *Automatic Reemployment*

14.20.158 *Continued contract provisions*

14.20.010 *Teacher certificate required*

14.20.020 *Requirements for issuance of certificate*

14.20.120 *Statement of qualifications*

14.20.215 *Definitions*

14.20.620 - 14.20.650 *Interstate agreement on qualification of educational personnel*

14.30.250 *Teacher qualifications*

ALASKA ADMINISTRATIVE CODE

4 AAC 05.080 *School curriculum and personnel*

4 AAC 12.300-4 AAC 12.900 *Certification of professional personnel*

4 AAC 18.010 *Teachers' and administrators' contracts*

4 AAC 18.021 *Employment of substitute teachers*

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: June 2, 2014

All Personnel

BP 4112.4

4212.4

Health Examinations

4312.4

The Superintendent or designee shall ensure that all regularly employed personnel undergo a health examination as required by law upon initial employment and every three years thereafter. The Board may exempt from the physical examination requirement any employees whose work does not bring them into close contact with students. (4 ACC 06.050)

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs.

Continuing employees shall undergo annual tuberculosis tests in accordance with law.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees, or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position.

(cf. 4119.41 - Employees with Infectious Disease)

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 06.050 *Physical examination of school employees*

4 AAC 18.010 *Teachers' and administrators' contracts*

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: April 17, 2006

All Personnel

BP 4112.5
4212.5
4312.5

SECURITY CHECK

The School Board desires to hire personnel whose background and behavior exemplifies a standard deemed appropriate for individuals working with children. Effort will be made to investigate the background of applicants prior to hire in the district. This investigation will include questions related to an applicant's background and criminal history and may include a fingerprint check.

Falsification of information during the interview or on the application shall be grounds for immediate removal from consideration for a position or dismissal from a currently held position.

REVISED 9/01

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: May 6, 2002

All Personnel

AR 4112.5
4212.5
4312.5

SECURITY CHECK

1. No individual will be hired by the district until a background investigation has been completed. Under emergency circumstances, the Superintendent can waive this requirement to allow someone to work until the investigation is complete.
2. No person who has ever been convicted, or plead guilty or no contest (including forfeiture of bail) to a crime involving violence or sexual abuse will be hired by the district.
3. No person who has been convicted, or plead guilty or no contest (including forfeiture of bail) to (1) a felony or (2) a crime or other violation involving a controlled substance within the five years preceding the application, will be hired by the district. If more than five years have elapsed since the crime or violation, a person may apply pursuant to the following paragraph.
4. Applications from persons who have been convicted, or plead guilty or no contest (including forfeiture or bail) to any crime or violation (excluding minor traffic violations) not covered in (2) nor (3) will be considered by the Superintendent on a case by case basis and notice given to the School Board prior to hire or being hired by the district.
5. If charges are pending, no action will be taken on the individual's application until disposition of the charges.

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: May 6, 2002

All Personnel

BP 4112.6

4212.6

PERSONNEL RECORDS

4312.6

Personnel records shall be kept for all current employees and shall include information usually expected in good personnel administration. Records shall be kept for all former employees, including such information as shall seem appropriate to the administration.

Note: The Alaska Supreme Court has upheld a broad policy of public access to records and has ruled that employment applications of police chief and city manager may not be exempt from disclosure in view of the public's strong interest in high level public officials. It is likely therefore that Superintendent applications, and possibly other employee applications, are subject to public disclosure.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 1312.1 - Complaints Concerning Personnel)

Note: 4 AAC 19.040 exempts employee evaluations from public disclosure and requires districts to establish procedures as to which supervisory personnel may have access to evaluation documents. AS 14.20.149 provides that information provided to a district under the district's certificated employee evaluation system is not a public record and is not subject to public disclosure. The Alaska Supreme Court in Anchorage Daily News has held that the evaluation of head public librarian is a public document. AASB recommends public requests for evaluations of district administrators be reviewed with district legal counsel on a case-by-case basis.

All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent or designee, and those individuals authorized by the Superintendent or Board in accordance with administrative procedures. School Board members may request to review an employee's file at a personnel session of the Board.

Employees shall be notified whenever derogatory information is to be placed in their personnel files. Employee may review and comment on the contents of this personnel file. Personnel records shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of an administrator.

Legal Reference:

ALASKA STATUTES

40.25.120 Inspection and copying of public records

23.40.070 Declaration of Policy (PERA)

14.20.149 Employee Evaluation

ALASKA ADMINISTRATIVE CODE

4 AAC 19.040 Use of the evaluation

Municipality of Anchorage v. Anchorage Daily News, 794 P.2d 584 (Alaska 1990)

City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982)

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: September 21, 2009

All Personnel

BP 4112.61
4212.61
4312.61

EMPLOYMENT REFERENCES

The School Board desires to provide information about district employees to prospective employers to the extent that such information is factual and does not violate an employee's privacy rights.

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the causes or reasons for separation regarding all district employees other than the Superintendent. No other staff member shall make statements concerning a separated employee's performance or the reason(s) why any individual has left district employment.

(cf. 4112.6 - Personnel Files)

(cf. 4117.5 - Termination Agreements)

Legal References:

ALASKA STATUTES

AS 09.65.160 Job References

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

BP 4112.8

4212.8

EMPLOYMENT OF RELATIVES

4312.8

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position. Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

The School Board recognizes that factors such as remote locations and a lack of qualified job applicants may justify the employment of family members of the Superintendent or Board.

An immediate family member of a Board member may be employed by the district if he/she is the most qualified applicant, has been approved by the Board, and such employment has received the written approval of the Commissioner of Education. An immediate family member of the Superintendent may be employed by the district with written approval of the Board. (AS 14.14.140)

(cf. 9270 - Conflict of Interest)

Legal Reference:

ALASKA STATUTES

14.14.140 *Restriction on employment*

ALASKA ADMINISTRATIVE CODE

4 AAC 18.031 *Employment of members of immediate families of school board members*

4 AAC 18.900 *Definitions*

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

Personnel

BP 4112.10

EMPLOYMENT OF RETIRED TEACHERS

BP 4112.10 - POLICY TO BE FULLY DELETED AND REMOVED FROM MANUAL

YAKUTAT SCHOOL DISTRICT

Adopted: May 6, 2002

Deleted: June 2, 2014

ASSIGNMENT

Note: The following sample policy may be revised or deleted to reflect district philosophy. This subject area is covered by collective bargaining laws.

The School Board respects the importance of assigning teachers in accordance with law, so as to serve the best interests of our students and the educational program. The Superintendent or designee may assign certificated personnel to any position for which their preparation, certification, experience and aptitude qualify them. Teachers may be assigned to any school within the district. Teachers shall not be assigned outside the scope of their teaching certificates or their fields of study except as allowed by law.

(cf. 4112.8 - Employment of Relatives)

Note: The following optional paragraph should be reviewed in conjunction with the district's collective bargaining agreement, if any, and revised or deleted as appropriate.

The assignment of certificated personnel shall comply with applicable collective bargaining provisions.

Legal Reference:

ALASKA STATUTES

14.20.147 Transfer or absorption of attendance area or federal agency school

14.20.148 Intradistrict teacher assignment

14.20.158 Continued contract provisions

23.40.070 Declaration of policy (PERA)

UNITED STATES CODE, TITLE 20

§ 1119 No Child Left Behind Act of 2001, P.L. 107-110

Certificated Personnel

EVALUATION/SUPERVISION

BP 4115(a)

Note: AS 14.20.149 requires school districts to have a certificated employee evaluation system. The School Board is required to consider information from students, parents, community members, classroom teachers, affected collective bargaining units, and administrators in the design and periodic review of the system. The evaluation must be based on observation of the employee in the employee's work place. In addition, the law mandates a number of requirements for the system including the establishment of district performance standards, a minimum number of evaluations each year, the preparation and implementation of a plan of improvement, and opportunity for students, parents, community members, teachers, and administrators to provide information on the performance of the person being evaluated.

Department of Education and Early Development regulations require a district's certificated employee evaluation system to evaluate a teacher or administrator's performance on applicable professional content standards as exemplary, proficient, basic, or unsatisfactory. In addition, overall performance must be evaluated with these same four ratings. No later than the 2015-16 school year, a teacher or administrator's performance evaluation for student learning data standards shall include an evaluation of actual student learning data. The Educator Evaluation regulations are found at 4 AAC 09.010-19.099.

The School Board believes that evaluations can provide important information relevant to employment decisions, can help staff improve their professional skills, can improve the effectiveness of instruction, and raise student achievement levels. In accordance with the district's certificated employee evaluation system, the Superintendent or designee shall evaluate certificated personnel annually, including teachers, administrators, and special service providers. The evaluation system shall evaluate whether the certificated employee is exemplary, proficient, basic, or unsatisfactory on applicable content standards and in overall performance. The district's certificated employee evaluation system will incorporate those procedures and mandates required by law.

The district shall provide annual in-service training to all certificated employees subject to the evaluation system. The training will assure inter-rater reliability and address the evaluation procedures, the standards used by the district in evaluating performance, and other information that may be helpful to a thorough understanding of the evaluation system.

A certificated employee has a right to timely comment on the evaluation and may not be retaliated against for doing so.

The certificated employee evaluation system will be periodically reviewed. The district will consider input from students, parents, community members, classroom teachers, affected collective bargaining units, and administrators. The district will make a copy of the evaluation instrument available to the public, including posting on the district's website. The posting will explain how the district has considered the input of these groups in the design of the evaluation system.

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4315.1 - Competence in Evaluation of Teachers)

Legal Reference (see next page):

Certificated Personnel

EVALUATION/SUPERVISION

BP 4115(b)

Legal Reference:

ALASKA STATUTES

14.20.149 Employee Evaluation

23.40.070 Declaration of policy (PERA)

ALASKA ADMINISTRATIVE CODE

4 AAC 19.010-4 AAC 19.099 Evaluation of professional employees

4 AAC 04.200 Professional content and performance standards

4 AAC 04.205 District performance standards

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: March 18, 2002

Revised: May 7, 2012

Revised: June 2, 2014

NONTENURED/TENURED STATUS

The School Board recognizes that new teachers need training, assistance and evaluations designed to increase their competency as teachers and to ensure that the best qualified staff is retained by the district.

- (cf. 4115 - Evaluation)*
- (cf. 4117.4 - Dismissal)*
- (cf. 4117.6 - Nonretention)*
- (cf. 4131 - Staff Development)*

Note: In Fairbanks North Star Borough Sch. Dist. v. NEA-Alaska (1991) the Supreme Court held that counting a combination of sequential fractions of years to obtain two full years of service, as provided in 4 AAC 18.900 (b) (2), conflicts with the "full" year requirement of AS 14.20.150. Therefore 4 AAC 18.900 (b) (2) is invalid as currently written. A teacher who teaches part time less than an entire school year cannot count that portion or fraction of a year toward tenure. In contrast, this situation must be distinguished with a teacher teaching "part time" during the entire school year. A teacher teaching the entire year, but on a part time basis, is allowed to count that year toward tenure. See State v. Redman. The following policy is drafted in light of these two cases interpreting the requirements of the tenure statute.

Note: The following language governing acquisition of tenure applies to all regularly certificated teachers hired or rehired by the district on or after August 16, 1996. Teachers teaching under a preliminary, revocable, or subject matter expert limited certificate do acquire service years for purposes of determining tenure. However, tenure may not be granted to these individuals until a regular certificate has been issued. AS 14.20.015 – 14.20.022. Retired teachers hired under AS 14.20.135 due to teacher shortages are not eligible to acquire, maintain, or reacquire tenure.

A nontenured teacher who has been employed by the district continuously for three consecutive school years and who is offered a contract for the next succeeding school year shall achieve tenure in the district at the beginning of the fourth year, provided the teacher performs a day of teaching services in the fourth year, and further provided the teacher received a satisfactory performance evaluation in the third year.

- (cf. 4112.10 Employment of Retired Teachers)*

Note: The following language sets forth state law governing portability of tenure. Alaska Statute 14.20.150, as amended in 1998, establishes criteria that a previously tenured teacher must meet in order to acquire tenure in your district. The criteria are different depending upon whether the teacher previously acquired tenure in your district or another district.

NONTENURED/TENURED STATUS (continued)

A teacher who has acquired tenure in the district but loses tenure because of a break in service may reacquire tenure if the break in service was not the result of dismissal or nonretention and did not last longer than one year. A teacher returning from a break in service not lasting longer than one year will reacquire tenure at the beginning of the second consecutive year of reemployment, provided the teacher performs a day of teaching services in the second year, and further provided the teacher received an acceptable performance evaluation.

A teacher who has acquired tenure in another district will acquire tenure in this district if the teacher's break in service was not the result of dismissal or nonretention and did not last longer than one year. A previously tenured teacher who has been employed by the district continuously for two consecutive school years and who is then offered a contract for the next succeeding school year shall achieve tenure at the beginning of the third year, provided the teacher performs a day of teaching services in the third year, and further provided the teacher received a satisfactory performance evaluation in the second year.

Note: A break in service which begins on or after the last instructional day of the school year but before the first instructional day of the next school year will be considered to have lasted no longer than one year if the teacher is employed on the first instructional day of the next consecutive school year. AS 14.20.150(d).

*Legal Reference:*ALASKA STATUTES*14.20.010 - .040 Teacher certification**14.20.147 Transfer or absorption of attendance area or federal agency school**14.20.150 Acquisition of tenure rights**14.20.155 Effect of tenure rights**14.20.160 Loss of tenure rights**14.20.165 Restoration of tenure rights**14.20.210 Authority of school board or department to adopt by laws**14.20.215 Definitions*ALASKA ADMINISTRATIVE CODE*4 AAC 12.010 - .900 Certification of professional teachers**4 AAC 18.027 Acquisition of tenure rights: less than full-time teachers**4 AAC 18.900 Definitions**Fairbanks North Star Borough School District v. NEA - Alaska, 817 P.2d 923 (Alaska 1991)**State v. Redman, 491 P.2d 157 (Alaska 1971)***YAKUTAT SCHOOL DISTRICT****Adopted: July 2, 1997****Revised: May 7, 2001****Revised: May 16, 2005**

REHIRE POLICY FOR EMPLOYEES RETIRED UNDER PERS AND TRS

I. GENERAL

The Yakutat School District has an obligation to ensure it has adequate, qualified staff to meet its public mission. When necessary, and under the terms of this policy and HB161, a bill relating to reemployment of and benefits for retired public employees, the Yakutat School District may hire individuals who are currently receiving a retirement benefit from the Public Employees' Retirement System (PERS) and from the Teachers' Retirement System (TRS).

II. PURPOSE

The purpose of this policy is to define the parameters for hiring individuals who are retired under the PERS and TRS system.

III. RESPONSIBILITY

- A. Human Resources/Personnel shall ensure that the requirements set forth in this policy are followed in a consistent manner.
- B. Human Resources/Personnel shall maintain this policy.

IV. POLICY

- A. The Yakutat School District has had limited success in filling some of its highly technical positions, such as deemed by the Yakutat School Board and administration. It is expected that as opportunities in the job market continue to expand, additional recruiting difficulties may materialize in these and other job categories.
- B. If there is a shortage of qualified applicants for a position, Yakutat School District will consider applicants that are currently retired from the PERS and TRS system for reemployment under HB161. A shortage of applicants is defined as less than five (5) qualified, eligible, and available applicants, including the retired member.

V. PROCEDURE

- C. All recruitments must conform to the provisions in the Recruitment Policy and any applicable collective bargaining agreement. In order Yakutat School District to consider hiring a PERS or TRS - retired employee, the following criteria must also be met:
 - 1. A position must be posted for a minimum time period of 30 days. The 30-day period may be cumulative of multiple recruitment periods for the same position.
 - 2. A shortage of applicants must exist (as defined in Section IV).
 - 3. In order to consider a qualified PERS or TRS retired individual, the individual must have been separated from all employment for at least 30 days and be receiving a retirement benefit under PERS or TRS.
 - 4. Upon completion of the recruitment process, if the PERS or TRS-retired applicant is the successful applicant, the Yakutat School District will provide certification to the Division of Retirement & Benefits that it plans to hire the applicant under HB161. The certification will include recruitment history and the documented results of the recruitment efforts.
 - 5. Consistent with the provisions of HB161, the Yakutat School District shall provide the following to any full-time employee rehired under this program:
 - a) Health Insurance under the Yakutat School District health program.
 - b) Employer PERS or PRS contributions, as established by PERS or TRS for this job category. FY06 rate is set at 6.72% and may be adjusted.
 - 6. The period of reemployment under HB161 is defined as the period of time between rehire under the waiver until July 1, 2009, or when the rehired retiree terminates employment, whichever occurs first.

RESIGNATION

The Superintendent or designee is authorized to accept the written resignation of any employee on behalf of the School Board, and the resignation shall become effective immediately upon acceptance by the Superintendent or designee. A resignation presented to and accepted by the Superintendent or designee may not be withdrawn by the employee.

Note: The Alaska Professional Teaching Practices Commission recommends that districts adopt a policy addressing a teacher's request to leave a position during the teacher's contract term. The PTPC will implement possible sanctions against a teacher who unilaterally breaches his or her employment contract. The following language was developed by the Fairbanks North Star Borough School District and can be revised to reflect your district's needs.
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A certificated staff member should provide notice as early as possible to the district when the staff member knows that he or she does not plan to return for the following school year. The district will agree to release a certificated staff member who terminates a contract provided notice is given to the district, in writing, post-marked thirty calendar days prior to the staff member's first contract day of the school year.

RESIGNATION (continued)

If a request to release a certificated staff member from his or her contract is made when fewer than thirty calendar days remain before the staff member's first contract day, or anytime thereafter, the district will consider filing a Professional Teaching Practices Commission (PTPC) complaint. When considering if the filing of a PTPC complaint is warranted, the district will weigh any mitigating circumstances including, but not limited to, factors impacting the staff member's family or health, factors related to the staff member's expectations regarding employment or working conditions, or unforeseen changes in the circumstances impacting the staff member's ability to continue employment with the district.

If a certificated staff member is currently under contract with the district and the district learns the staff member has contracted with another district without obtaining a written release, the district will consider a PTPC complaint against the staff member.

The district will not contract with a certificated staff member under contract with another district unless the staff member provides a written release from the current employer. If the district contracts with a certificated staff member who has not disclosed that he/she is under contract with another school district, the district reserves the right to terminate the contract for material misrepresentation and to file a PTPC complaint.

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 18.010 Teachers' and administrators' contracts

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: May 16, 2005
Revised: April 4, 2011

Personnel Reduction

Note: Under AS 14.20.177, a district may implement a layoff plan if it is necessary to reduce the number of tenured teachers because school attendance has decreased or the basic need of the school district, as determined in accordance with AS 14.17.410(b)(1), decreases by three percent or more from the previous year. We recommend that school districts consult with legal counsel well before instituting layoff proceedings because of the complexity of legal provisions which must be followed.

The School Board may determine that a reduction in certificated personnel is necessary due to declining enrollment or due to a reduction in the district's basic need in an amount established by law.

The Board shall authorize the Superintendent or designee to lay off employees in accordance with law, district procedures, and any applicable collective bargaining provisions.

(cf. 4117.6 - Nonretention)

Prior to layoff of any tenured teacher, the Board shall adopt a layoff plan. The plan will identify academic and other programs the district will maintain in implementing the plan. The plan will also include procedures for layoff and recall of tenured teachers.

Note: The district may place a tenured teacher on layoff status only after the district has given notice of nonretention to all nontenured teachers. However, a district may retain a nontenured teacher and place on layoff status a tenured teacher if there is no tenured teacher in the district who is "qualified" to replace the nontenured teacher. The qualifications of teachers for purposes of layoff are set forth in AS 14.20.177. This statute contains detailed provisions which must be consulted in making a determination of whether a tenured teacher is qualified for the position.

Any tenured teacher laid off pursuant to the Board's layoff plan is entitled to a hiring preference for three years following the layoff. The hiring preference applies to vacant teaching positions for which the teacher is qualified. A teacher who declines an offer of employment from the district will lose the hiring preference unless the teacher is contractually bound to teach elsewhere.

Note: The Board may not enter into a collective bargaining agreement with the teachers' union which contains terms conflicting with the layoff rights and procedures set forth in AS 14.20.177.

Legal Reference (see next page)

Personnel Reduction (continued)

Legal Reference:

ALASKA STATUTES

14.20.140 Notification of nonretention

14.20.145 Automatic re-employment

14.20.175 Nonretention

14.20.177 Reductions in force

14.20.180 Procedure and hearing upon notice of dismissal or nonretention

14.20.215 Definitions

23.40.070 Declaration of Policy (PERA)

ALASKA ADMINISTRATIVE CODE

4 AAC 18.010 Teachers' and administrators' contracts

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: April 17, 2006

PERSONNEL REDUCTION/LAY OFF PLAN

Note: Before a school district lays off any tenured teacher, the school board must adopt a layoff plan. The plan must identify academic and other programs that the district intends to maintain in implementing the layoff plan. The plan must also include procedures for layoff and recall of tenured teachers. The following plan contains those provisions required by Alaska's reduction in force statute, AS 14.20.177. This statute also prohibits a district and its teachers' association from entering into collective bargaining agreement terms which conflict with AS 14.20.177.

Any reduction in staff which is required should be undertaken so as to minimize disruption to the education program and to the provision of instructional services to students, and should cause the least deviation from the present assignment of personnel. The terms "reduction in certificated staff" or "layoff" refer to action the District takes to reduce the number of certificated staff due to decreased enrollment and/or due to a reduction in the District's basic need in an amount established by law.

Position Categories

The following categories and specialties are established to ensure the qualifications of personnel assigned to retained positions:

Elementary teachers will be considered for retention in one category.

Secondary teachers (7-12) will be considered for retention by teaching specialties, such as Math, Science, Language Arts, Social Studies, Vocational Education (Industrial Arts, Home Economic, Vocational Business, Vocational Agriculture), or combination thereof.

Other certificated staff members will be considered for retention according to their specialties, which will include: Music, Technology, Special Education, Librarian, Physical Education, Speech Pathology, Art.

PERSONNEL REDUCTION/LAY OFF PLAN (continued)

Qualifications

Each teacher, in accordance with criteria set forth in Section 3 below, will be considered for retention in the category of specialty appropriate to the position he or she holds at the time of the implementation of these procedures; and, in addition, in such other categories or specialties as any teacher may designate in writing to the Superintendent, provided that in order to qualify for consideration in any such category, the employee must have:

For positions in grades K-8, an elementary endorsement.

For positions in middle school:

an elementary endorsement;

a secondary certificate with a subject area endorsement in the area of assignment constituting at least 40% of the teacher's time; or

within the five years preceding the last date of teaching in the District, the teacher has received an evaluation indicating that the teacher's performance in the relevant subject area(s) meets the District's performance standards.

For positions in grades 9-12.

endorsement for each subject area in which the teacher will spend at least 40% of teaching time; or

within five years preceding the last date of teaching in the District, the teacher has received an evaluation indicating that the teacher's performance in the relevant subject area(s) meets the District's performance standards.

PERSONNEL REDUCTION/LAY OFF PLAN (continued)

3. Implementation

Teachers shall be considered for retention in available positions within the categories or specialties for which they qualify under Section 2. In the event that there are more qualified employees than available positions in a given category or specialty, the following criteria shall be used to determine which employees shall be recommended for retention. No tenured teacher will be placed on layoff status until the District has given notice of nonretention to all nontenured teachers. However, the District may retain a nontenured teacher and place on layoff status a tenured teacher if there is no tenured teacher in the District who is qualified to replace the nontenured teacher under the criteria in Section 2 above.

4. Hiring Preference

All teachers who are not retained in accordance with these procedures shall be laid off and placed in an employment pool for possible re-employment for a period up to three (3) years. Teachers placed in the employment pool under this layoff plan are entitled to a hiring preference. Teachers in the pool will be given the opportunity to fill open positions within the categories or specialties identified in Section 1, for which they are qualified under Section 2. If more than one teacher is qualified for an open position, the most senior teacher shall be offered the position.

When a vacancy occurs for which a teacher entitled to a hiring preference is qualified, notification from the District to the teacher will be by certified, return receipt mail. The teacher will have thirty (30) days from the receipt of the certified letter to accept the position. If the teacher fails to accept the position offered, the teacher is no longer considered to be on layoff status and will be dropped from the reemployment pool, unless the teacher is contractually obligated to provide professional services to another district or educational program.

No new teacher shall be hired in a category or specialty identified in Section 1 until all qualified teachers in the reemployment pool category have been recalled, or have declined an offer of recall.

DISMISSAL

Note: AASB recommends that districts consult with legal counsel well before dismissal proceedings are to be instituted. The complexity of legal provisions pertaining to dismissal make such consultation imperative.

Employees shall not be deprived of their position during the school year except when cause for the dismissal can be shown. Employees shall be accorded their due process rights provided by law.

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.6 - Nonretention)

Legal References:

ALASKA STATUTES

14.20.140 Notification of nonretention

14.20.145 Automatic re-employment

14.20.170 Dismissal

14.20.175 Nonretention

14.20.180 Procedure and hearing upon notice of dismissal or nonretention

14.20.205 Judicial review

14.20.215 Definitions

ALASKA ADMINISTRATIVE CODE

4 AAC Teachers' and administrators' contracts

Nichols v. Eckers, 504 P. 2d 1359 (Alaska 1973)

Kenai Peninsula Borough Bd of Education v. Brown, 691 P. 2d 1034 (Alaska 1984)

All Personnel

BP 4117.5

4217.5

TERMINATION AGREEMENTS

4317.5

The School Board believes that it is incumbent upon school districts to provide a truthful account of the reasons why an employee has left district employment. The Board therefore does not look with favor on termination settlement agreements which prevent the district from giving prospective employers this information. If a termination agreement is made, the Superintendent or designee shall inform prospective employers that such an agreement has been made and may give out information as provided for in the agreement.

(cf. 4112.61 - Employment References)

In all cases in which an employee's conduct warrants probable cause for the suspension or revocation of the employee's teaching credential, the Superintendent or designee shall report the employee's suspension, termination or resignation to the Professional Teaching Practices Commission.

Legal Reference:

Anchorage School District v. Anchorage Daily News, 779 P.2d 1991 (Alaska 1989)

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

Unilateral Termination and Employment of Certificated Staff Under Contract

Unilateral Termination

It is appropriate for a certificated staff member to provide notice as early as possible to the Yakutat School District when the staff member knows that he or she does not plan to return for the forthcoming school year. The district will agree to release a certificated staff member who terminates a contract provided notice is given to the district in writing post-marked thirty calendar days prior to the staff member's first contract day of the school year.

If a request to release a certificated staff member from a contract is made when fewer than thirty calendar days remain before the staff member's first contract day, or anytime thereafter, the district, in addition to other remedies by administrative regulation and published in the employee handbook, will consider filing a Professional Teaching Practices Commission (PTPC) complaint. When considering if the filing of a PTPC complaint is warranted, the district will weigh any mitigating circumstances, including but not limited to, factors impacting the staff member's family or health, factors related to the staff member's expectations regarding employment or working conditions, or unforeseen changes in the circumstances impacting the staff member's ability to continue employment with the district.

If a certificated staff member is currently under contract with the district and the district learns the staff member has contracted with another district without obtaining a written release from the Yakutat School District, the district will consider a PTPC complaint against the staff member.

Certificated Staff under Contract in Another District

If the Yakutat School District is considering the hire of a certificated staff member who is currently under contract in another district, the Yakutat School District will require the certificated staff to provide written documentation that he/she:

- * has made an effort to secure a release from the employing district thirty calendar days prior to the employing district's first contract day or
- * has secured a written release from the employing district prior to extending a contract to the prospective employee.

NONRETENTION

Note: AS 14.20.145 provide automatic reemployment rights to employees who do not receive notice of nonretention in accordance with AS 14.20.140. This sample policy should be reviewed in conjunction with the district's collective bargaining agreement, if any, to determine whether a notice date earlier than that required by law is specified.

The Superintendent or designee shall provide the School Board with his/her recommendations regarding the nonretention of certificated employees.

The School Board may decide not to rehire a nontenured employee at the end of his/her first, second or third year and give written notice of its decision to the employee at any time during the year. If the School Board does not give nontenured teachers written notice of nonretention by the last day of the school term, the employee shall be offered a contract for the following year.

Note: AS 14.20.175 mandates School Boards to provide by regulation or bylaw procedures by which nontenured teachers may request and receive an informal School Board hearing regarding nonretention.

Nonretention of nontenured teachers may be based on any cause deemed adequate by the Superintendent or designee or, if an informal School Board hearing is held, any cause deemed adequate by the School Board. The Superintendent or designee shall establish administrative regulations providing for an informal hearing before the School Board upon teacher request.

The nonretention of tenured teachers shall comply with the cause and procedural requirements specified in law, including notice of nonretention before May 15.

- (c.f. 4112.1 - Contracts)*
- (cf. 4117.4 - Dismissal)*
- (cf. 4116 - Nontenured/Tenured Status)*
- (cf. 4117.3 - Personnel Reduction)*

Legal Reference:

ALASKA STATUTES

14.20.140 Notification of nonretention

14.20.145 Automatic re-employment

14.20.175 Nonretention

14.20.180 Procedure and hearing upon notice of dismissal or nonretention

14.20.210 Authority of school board or department to adopt bylaws

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: April 17, 2006

Revised: June 2, 2014

INFORMAL HEARING FOR NONRETENTION OF NONTENURED STAFF

Note: This regulation provides informal hearing procedures for nontenured staff who are nonretained. Pursuant to AS 14.20.175, a nonretained nontenured teacher may request an informal hearing by the Board. That statute also provides that the Board, by bylaw or regulation, define the procedure under which the informal hearing can be requested and obtained.

A nontenured teacher may be nonretained for any cause that the employer determines to be adequate. The following procedures shall apply to the nonretention of nontenured teachers. Unless otherwise noted, all days refer to calendar days.

1. Notification. The District shall notify a nontenured teacher of nonretention in accordance with AS 14.20.140(b) and any applicable provisions of the negotiated agreement with certificated staff. Unless an earlier date is set forth in the negotiated agreement, the teacher shall be notified in writing delivered or registered mail postmarked on or before the last day of the school term.
2. Statement of Cause. Within ten (10) days of receipt of the notification of nonretention, the teacher may submit a written request to the Superintendent for a written statement of cause for the nonretention. Failure to submit a timely written request constitutes waiver of this right. On the teacher's timely written request, the Superintendent shall deliver to the teacher a written statement of cause for the nonretention within ten (10) days.
3. Right to Informal Hearing. Within ten (10) days of receipt of the notice of nonretention, a nontenured teacher may submit a written request to the Superintendent for an informal hearing before the School Board. Failure to submit a timely written request constitutes waiver of the right to an informal hearing. The Superintendent shall schedule an informal hearing and shall inform the teacher of the date, time and place of the hearing not less than ten (10) days prior to the informal hearing.
4. Representation. The teacher may appear individually or be represented by a person of the teacher's choosing.
5. Hearing Procedures.
 - a. The informal hearing shall be held in closed session, unless opened by mutual consent.
 - b. The District shall record the informal hearing. On the teacher's written request, a copy shall be provided at the teacher's expense.

INFORMAL HEARING FOR NONRETENTION OF NONTENURED STAFF (continued)

- c. The representatives may submit whatever written documents they feel are germane to the arguments they will present, including affidavits. No witnesses may testify, except that the teacher's representative and a representative of District administration shall have the right to make a statement or presentation to the Board. Additionally, the teacher can speak on his or her own behalf, even if represented.
 - d. Any written argument or documents that the parties expect to present at the informal hearing shall be exchanged by the parties no later than three (3) days prior to the informal hearing.
 - e. The informal hearing shall be scheduled for one hour and shall proceed as follows:
 - i. District administration presentation (20 min.);
 - ii. Teacher presentation (20 min.);
 - iii. Rebuttal presentation by District (5 min.);
 - iv. Rebuttal by teacher (5 min.);
 - v. District closing statement (5 min.);
 - vi. Teacher closing statement (5 min.);
 - f. The Board may, in its discretion, vary the proceedings.
6. Decision. Following deliberation in executive session, the Board shall render an oral decision to affirm or revoke the notice of nonretention. The decision will be made by majority vote of the Board members participating at the informal hearing. The Board shall issue written notice of its decision within ten (10) days after the hearing.

YAKUTAT SCHOOL DISTRICT

Adopted: May 16, 2005

Revised: April 17, 2006

SUSPENSION/DISCIPLINARY ACTION

The School Board expects its employees to perform their duties in accordance with state law and Board policy and administrative regulations.

(cf. 4119.21 - Codes of Ethics)

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

The Superintendent or designee may take disciplinary action, including verbal warning, written warning, reassignment, suspension with or without pay and dismissal, as he/she deems appropriate and may deviate from the progressive order of disciplinary actions in light of the particular facts and circumstances involved.

The Superintendent or designee shall document all disciplinary actions thoroughly and accurately and shall ensure that such actions are taken in a consistent, nondiscriminatory manner.

Legal Reference:

ALASKA STATUTES

14.20.030 Causes for revocation and suspension

14.20.170 Dismissal

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: The United States Supreme Court in Meritor Savings Bank, FSB v. Vinson et al., found that an employer could be held liable in a sexual harassment lawsuit. The bank's complaint procedure required the employee first to report the complaint to his/her supervisor who, in this case, was the accused party. We suggest that districts adopt a sexual harassment policy requiring the immediate supervisor of the offending employee and or personnel officer to receive the complaint.

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business.

(cf. 4119.21 – Code of Ethics)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4117.4 - Dismissal)

(cf. 9020 – Standards)

(cf. 9271 – Code of Ethics)

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee or Board member who feels that he/she is being harassed should immediately report the incident to the immediate supervisor of the accused employee or the appropriate personnel department official, without fear of reprisal. All complaints about behavior that may violate this policy shall be promptly investigated. The personnel department shall be informed of all such complaints and will assist in the investigation and resolution of complaints. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

SEXUAL HARASSMENT (continued)

Note: Ellison v. Brady provides directives to employers responding to sexual harassment claims in order to shield themselves from liability, including taking immediate and appropriate action to address the harassment which entails investigation and discipline calculated to reflect the severity of the conduct, stop the harassment, and deter others from acting in the same manner.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

The superintendent or designee shall ensure prompt and strict enforcement of Board policy.

(cf. 1312.3 – Public Complaints Concerning Discrimination)(cf. 1312.1 - Complaints Concerning School Personnel)

Legal Reference:

Meritor Savings Bank, FSB v. Vinson et al.,
477 U.S. 57 (1986)
Ellison v. Brady, 924 F.2d 872 (9th Cir. 1991)

All Personnel

BP 4119.21

4219.21

CODES OF ETHICS

4319.21

The School Board expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program.

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Note: Pursuant to 4 AAC 18.010 all teacher contracts must state that the teacher is obligated to abide by the code of ethics and professional standards adopted by the Professional Teaching Practices Commission. See E 4119.21.

Members of the teaching profession are obligated by law to abide by the code of ethics and professional standards adopted by the Professional Teaching Practices Commission (20 AAC 10.010). Employees who violate provisions of the code of ethics and professional standards may be subject to disciplinary action, up to and including termination. The district may report any violation of the code of ethics to the Professional Teaching Practices Commission.

All district employees will follow ethical conduct governing state and district testing security, pre-test activities, and testing procedures. District employees will be reported to the Professional Teaching Practices Commission if ethical conduct governing state and district testing is not followed. This is not intended to apply to teacher made tests given as part of course requirements.

Note: 20 AAC 10.310 requires that copies of the PTPC Handbook for Alaskan Educators be conspicuous and available at every educational institution.

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.25 - Political Activities of Employees)

Legal Reference:

ALASKA STATUTES

14.20.170 Dismissal

14.20.370 - 14.20.510 Professional Teaching Practices Act

ALASKA ADMINISTRATIVE CODE

4 AAC 06.765 Testing Security; Consequences of Breach

4 AAC 18.010 Teachers' and administrators' contracts

20 AAC 10.010 - 10.900 Professional Teaching Practices Commission

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: May 7, 2001

Revised: May 6, 2002

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS

- (a) The following code of ethical and professional standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.
- (b) In fulfilling obligations to students, an educator:
 - (1) repealed 10/25/2000;
 - (2) may not deliberately distort, suppress or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
 - (3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
 - (4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
 - (5) may not expose a student to unnecessary embarrassment or disparagement;
 - (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
 - (7) may not use professional relationships with students for private advantage or gain;
 - (8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS

(continued)

- (9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.
- (c) In fulfilling obligations to the public, an educator
- (1) repealed 10/25/2000;
 - (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
 - (3) shall cooperate in the statewide student assessment system established under 4 AAC 06.710-4 AAC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;
 - (4) repealed 10/25/2000;
 - (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
 - (6) may not accept a gratuity, gift or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;
 - (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and
 - (8) may not use or allow the use of district resources for private purposes not related to the district programs and operation.

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS
(continued)

- (d) In fulfilling obligations to the profession, an educator:
- (1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;
 - (2) shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
 - (3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
 - (4) may not sexually harass a fellow employee;
 - (5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
 - (6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;
 - (7) may not deliberately misrepresent the educator's or another's professional qualifications;
 - (8) repealed 10/25/2000;
 - (9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment, evaluation, test results or professional duties;
 - (10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS
(continued)

- (11) may not intentionally file a false or malicious complaint with the commission;
- (12) may not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;
- (13) shall cooperate fully and honestly in investigations and hearings of the commission;
- (14) repealed 10/25/2000;
- (15) may not unlawfully breach a professional employment contract;
- (16) shall conduct professional business through appropriate channels;
- (17) may not assign tasks to unqualified personnel;
- (18) may not continue in or seek professional employment while unfit due to
 - (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;
 - (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;
- (19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997
Revised: June 2, 2014

All Personnel

BP 4119.23

4219.23

**UNAUTHORIZED RELEASE OF CONFIDENTIAL
INFORMATION**

4319.23

District employees shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to executive sessions, negotiations and student records, including individual test results, are not subject to public disclosure.

(cf. 1340 - Access to District Records)

Any employee who willfully releases confidential information about students, staff, or any topic properly confined to a executive session shall be subject to disciplinary action up to and including dismissal from district service. Any action by an employee which inadvertently or carelessly results in release of confidential information shall be recorded, and the record shall be placed in the employee's personnel file.

Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 3580 - District Records)

(cf. 5125 - Student Records; Confidentiality)

(cf. 6146.3(AR) – Test Administration)

(cf. 9321 - Executive Sessions)

Legal References:

ALASKA STATUTES

14.03.115 Access to school records by parent, foster parent, or guardian

14.14.090 Additional duties

09.25.120-25.220 Public Records Act

23.40.235 Public Involvement in School District Negotiations

ALASKA ADMINISTRATIVE CODE

4 AAC 06.738 Standards-Based Test Results

4 AAC 06.758 High School Graduation Qualifying Examination Results

4 AAC 06.765 Test Security; Consequences of Breach

UNITED STATES CODE, TITLE 20

1232g FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982)

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Revised: May 7, 2001

All Personnel

BP 4119.25

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

The School Board believes that district employees have an obligation to prevent the improper use of school time, materials or facilities for political campaign purposes. The Superintendent or designee shall regulate political activities on school property. All employees are prohibited from engaging in any activity in the presence of students during performance of the employee's duties, where the activity is designed or intended to promote, further, or assert a position on any voting issue, board issue, or collective bargaining issue.

The Board respects the right of school employees to engage in political activities on their own time. When engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of the district.

Violations of this policy may result in disciplinary action.

(cf. 4119.21 - Code of Ethics)

Legal Reference:

ALASKA STATUTES

14.03.090 Sectarian or denominational doctrines prohibited

14.20.095 Right to comment and criticize not to be restricted

14.20.370-.510 Professional Teaching Practices Act

ALASKA ADMINISTRATIVE CODE

20 AAC 10.010-10.900 Professional Teaching Practices Commission

YAKUTAT SCHOOL DISTRICT

Adopted: July 1, 1997

Revised: May 6, 2002

All Personnel

AR 4119.25

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

Under no circumstances shall district employees:

1. Conduct political activities on school property during duty hours.
2. Solicit campaign support or contributions on school property during duty hours.
3. Use school equipment for the reproduction of campaign materials.
4. Post or distribute campaign materials on school property.
5. Permit the use of students to write, address or distribute campaign materials.

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

BP 4119.3

4219.3

DUTIES OF PERSONNEL

4319.3

Job Descriptions will be prepared for all positions in the District to serve as an organizational aid for identifying and delegating responsibilities, coordination and division of work and prevention of duplication of efforts. These descriptions are only guides and are not all-inclusive of a person's abilities or the requirements for fulfilling their position.

Furthermore, Job Descriptions are not intended to be used as work limitations or restrictions on employee roles. District employees are expected to be team players and to help each other and the District whenever necessary within reason and workplace safety guidelines. Each job description implicitly includes such additional duties as are appropriately delegated by a supervisor.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4115/4215/4315 - Evaluation/Supervision)
(cf. 4118/4218/4318 - Suspension/Disciplinary Action)

Legal Reference:
AMERICANS WITH DISABILITIES ACT, P.L. 101-336
42 U.S.C.12101 et seq.

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

AR 4119.3
4219.3
4319.3

Preparation

Supervisors will be responsible for initiating drafts or changes to existing Job Descriptions. Whenever practical, supervisors should interact with employees in developing or reviewing descriptions for accuracy and clarity.

Job Descriptions should be current and appropriately represent the position and the needs of the District at all times. Job Descriptions should be updated, as necessary, whenever there is a reassignment of duties or other organizational changes. Job Descriptions should mirror organizational changes of the District. Supervisors should not fall into a routine of allowing individuals or their operations to be governed by preexisting descriptions.

Supervisors should be prepared on the Job Description Format form (See Sample Exhibit 2). Any unusual needs or requirements for the position should be added in a separate section. The format outline should be completed as follows:

Effective Dates: - This is the latest revision date to be description or the implementation date.

Title: - The title should be short and simple yet as descriptive as possible. The applicable department should be listed.

Reports To: - The title of the immediate supervisor of the position.

Summary of Functions: - This should be a one or two sentence statement encompassing the basic function and objectives of the position and should enable anyone who is reasonably familiar with the organization to understand the primary purpose of the position.

Major Duties and Responsibilities: - This section should describe, specifically but briefly, details of the major duties and/or responsibilities for performing the job. Whenever possible descriptive terms used should be related to the objectives or action of a particular function rather than to indicate merely what is done.

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

E 4119.3
4219.3
4319.3

JOB DESCRIPTION FORMAT

TITLE:

EFFECTIVE DATE:

DEPARTMENT:

REPORTS TO:

SUMMARY OF FUNCTIONS:

MAJOR DUTIES AND RESPONSIBILITIES:

ORGANIZATIONAL RELATIONSHIP:

EXPERIENCE AND/OR EDUCATIONAL REQUIREMENTS:

**YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997**

All Personnel

BP 4119.41(a)

4219.41

EMPLOYEES WITH INFECTIOUS DISEASE

4319.41

The School Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk.
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition.
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting.

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Legal Reference: (See next page)

BP 4119.41(c)
4219.41
4319.41

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 06.140 AIDS in school personnel

4 AAC 06.150 Confidentiality of AIDS information

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

BP 4119.42

4219.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS 4319.42

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The School Board shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first-aide providers from preexposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

(cf. 4119.43 - Universal Precautions)

(cf. 4157 - Employee Safety)

Legal Reference:

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA Bloodborne Pathogens Standards

YAKUTAT SCHOOL DISTRICT

Adopted: July 2, 1997

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." (Title 8, Section 5193(b))

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties."
Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions." (29 CFR 1910.1030 (b))

Exposure Control Plan

The district's Exposure Control Plan shall contain at least the following components: (29 CFR 1910.1030 (c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including but not be limited to:

- a. Universal precautions

(cf. 4119.43 - Universal Precautions)

- b. Engineering and work practice controls

- c. Personal protective equipment

- d. Housekeeping schedules

- e. Hepatitis B vaccination

- f. Post-exposure evaluation and follow-up

- g. Informing employees about biohazards, including:

- (1) Labels and signs, and

- (2) Training

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS** (continued)

- h. Maintenance of training and medical records
- 3. The district's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

- 1. Reflect new or modified tasks and procedures affecting occupational exposure.
- 2. Reflect new or revised employee positions with occupational exposure.

The district's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

Exposure Determination

The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

- 1. All job classifications in which all employees have occupational exposure to bloodborne pathogens.
- 2. Job classifications in which some employees have occupational exposure.
- 3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above. (29 CFR 1910.1030(c))

Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. (E 4119.42) (29 CFR 1910.1030 (f)(2))

AR 4119.42(c)
4219.42
4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS** (continued)

Protective Equipment

The district shall provide appropriate personal protective equipment at no cost to the employee. Protective equipment will be chosen based on anticipated exposure to blood, or other potentially infectious materials. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (29 CFR 1910.1030 (c)(2))

Information and Training

The district shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Exposure Incidents: Post-evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (29 CFR 1910.1030(f))

(cf. 9011 - Disclosure of Confidential/Privileged Information)

AR 4119.42(d)
4219.42
4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS** (continued)

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus thirty years. Training records shall be maintained for three years from the date of training. (29 CFR 1910.1030(h))

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. (29 CFR 1910.1030(h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law (29 CFR 1910.1030(h))

**YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997**

E 4119.42
4219.42
4319.42

Hepatitis B Vaccine Declination

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signature

Employee Name (Please print)

Date

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

BP 4119.43

4219.43

UNIVERSAL PRECAUTIONS

4319.43

Universal precautions shall be observed throughout the district to protect employees, students and any other persons in the school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether blood borne pathogens are known to be present.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 6145.2 - Interscholastic Competition)

Legal Reference:

Occupational Safety & Health Standards

Alaska Department of Labor

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA Bloodborne Pathogens Standards

YAKUTAT SCHOOL DISTRICT
Adopted: July 2, 1997

All Personnel

AR 4119.43(a)

4219.43

UNIVERSAL PRECAUTIONS

4319.43

"Universal Precautions" is an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens. (29 CFR 1910.1030 (b))

Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects or surfaces.
 - b. Immediately after removing gloves, gowns or smocks.
 - c. Before eating, drinking or feeding.
 - d. Before handling food, cleaning utensils or kitchen equipment.
 - e. Before and after using the toilet or diapering.

UNIVERSAL PRECAUTIONS (continued)

When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.

3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant.
4. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings and other absorbant materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes and other sharp disposable objects in leak-proof, puncture proof containers.
 - c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus or feces in the sanitary sewer system.
5. Do not care for others' injuries if you have any uncovered bleeding or oozing wounds or nonintact skin conditions.
6. Use a mouthpiece, resuscitation bag or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report any exposure incident or first-aid incident in accordance with the district's Exposure Control Plan or other procedures.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

STUDENT TEACHERS

The School Board is legitimately interested in the quality of teacher training programs and encourages the use of student teachers in the district. Such use shall support the instructional needs of the district and may enable future teachers to fulfill state requirements, learn how to teach, and receive valuable feedback which can enhance their competence.

The Superintendent or designee may enter into agreements with accredited colleges and universities to allow student teachers to have supervised teaching experiences and/or observations within the district. The Superintendent or designee may collaborate with the program administrators of teacher preparation institutions to jointly develop, supervise and evaluate practical programs which provide training, support and evaluation for the student teacher.

Legal Reference:

ALASKA ADMINISTRATIVE CODE
4 AAC 30. 020 *Student teachers*