

# **Idaho Virtual High School**

**Richard McKenna Charter Schools  
Personnel Policies 5000 Series**

**5000 SERIES—PERSONNEL**

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## **Idaho Virtual High School**

### **PERSONNEL**

**5000**

#### Board Goal/Personnel

The human resources of Idaho Virtual High School (hereafter referred to as “the Charter School”) are valuable and significant in creating an effective educational program and learning environment. The Governing Board recognizes that school’s function most efficiently and successfully when highly qualified individuals are employed to staff the needs of The Charter School. Opportunities for staff development, including staff development in the Harbor School Method™, should be provided periodically. The Board further recognizes the importance of supervision as specifically defined by the Harbor School Method™, as a necessary, ongoing function of the Charter School's Administrator. The Board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential, and the community will be proud of its investment.

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

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

#### Policy History:

Adopted on: January 21, 2020

Revised on:



Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5100F1**

**Richard McKenna**  
**Charter School**  
 675 S. Haskett St  
 Mountain Home, ID  
 83647  
 208-580-2449

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

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

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

This form:

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

**§ 33-1210 RELEASE:**

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

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Printed Name of Applicant

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

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

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

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

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

Policy History:

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Revised on:



**Idaho Virtual High School**

**PERSONNEL**

**5100F2**

**Richard McKenna**  
**Charter School**  
675 S. Haskett St.  
Mountain Home, ID 83647  
208-580-2449

**REQUEST TO EMPLOYER**

**IDAHO CODE 33-1210**

Idaho Code 33-1210 requires all Idaho School employers to obtain past School employer performance information regarding any individual they are considering for hire, with regard to any position at an Idaho Public School. Specifically, the code section language states:

Before hiring an applicant, a School shall request, in writing, electronic or otherwise, the Applicant's current or past employers, including out-of-state employers, to provide the information described in subsection (2)(a) of this section, if any.

The aforementioned subsection (2)(a) of the statute requires Applicants to sign a statement "authorizing the applicant's current and past employers [meaning school employers], including employers outside of the State of Idaho, to release to the hiring School all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring School copies of all documents in the previous employer's personnel, investigative, or other files relating to the job performance by the Applicant."

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

Richard McKenna  
Charter School  
657 S. Haskett St  
Mountain Home, ID  
83647

It should be noted that this statute provides that any School or employee acting on behalf of the School, who in good faith discloses information pursuant to this section either in writing, printed material, electronic material or orally is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of the disclosure under this section unless the evidence establishes one (1) or more of the following: (a) that the employer knew the information disclosed was false or misleading; (b) that

the employer disclosed the information with reckless disregard for the truth; (c) that the disclosure was specifically prohibited by a state or federal statute.

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

Policy History:

Adopted on: January 21, 2020

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**Idaho Virtual High School**

**PERSONNEL**

**5100F3**

**Richard McKenna  
Charter School**

675 S. Haskett St.  
Mountain Home, ID 83647

**REQUEST FOR VERIFICATION OF CERTIFICATE STATUS**

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

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

Name of Applicant \_\_\_\_\_  
D.O.B.: \_\_\_\_\_

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

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

Richard McKenna Charter School would greatly appreciate it if this information could be advanced to the attention of Administrator on or before the \_\_\_ day of \_\_\_\_\_ in order to allow a timely decision as to employment matters. This information may be mailed at the above address or sent via electronic format to: [admin@legacycharterschool.net](mailto:admin@legacycharterschool.net).

Sincerely,

Administrator

Policy History:

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Procedures for Obtaining Personnel Records for Applicants

1. Before hiring an applicant for employment in a certificated or non-certificated position The Charter School shall have the applicant sign the statement/release (form 5500F1) and provide a list of their previous school employers (the list may be obtained via resume or application). The Charter School will not hire an applicant who refuses or fails to sign the statement/release.
2. The signed statement/release will then be sent by The Charter School to all of the applicant's current or past, in state or out of state, school employers along with a request for information relating to job performance and/or job related conduct (form 5100F2). Note – The Charter School does not have to request the information for all applicants. The Charter School only has to request the information for the top applicant(s) for the position.
3. The Charter School may follow up with current or past school employers if the information requested has not been received within thirty (30) days from the date the request was sent. The Charter School may hire non-certificated applicants on a conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school employer refuses to comply with the request. The Charter School will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school employer. The written refusal shall be kept as a part of the applicant's file.
4. The Charter School shall also request State Department of Education verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (form 5100F3).
5. The Charter School shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or Charter School employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

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

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

Policy History:

Adopted on: January 21, 2020

Revised on:

## Idaho Virtual High School

### PERSONNEL

5105

#### Certificated Personnel Employment

##### Definitions

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

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

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

**Renewable Contract Certificated Employees:** Upon being offered a contract for a fourth full consecutive year of employment as a certificated teacher, certificated personnel who may automatically renew their employment with this Charter School, for the next school year, by timely returning their contract.

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

**Retired:** Certificated personnel receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the State, hired as at-will employees.

##### Notice

1. Category 1 certificated employees' contracts are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the Charter School to terminate the contract at the conclusion of the contract year.
2. Category 2 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1<sup>st</sup> and are not entitled to a review of the reasons or decision not to reemploy by the Board.
3. Category 3 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1<sup>st</sup> and shall, upon written request, be given the opportunity

for an informal review of such decision by the Board. The parameters for the informal review will be determined by the Board. Before the Board determines not to renew the contract for the unsatisfactory performance of category 3 certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following at least one evaluation. In no case shall the probationary period be less than eight weeks. The probation shall be preceded by written notice from the Board, with the reasons for the probationary period and the areas of work which are deficient and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.

4. Contracts for all renewable contracted certificated employees shall be issued by July 1<sup>st</sup>. All employees on renewable contracts must timely return their contract. The employee's failure to timely return a renewable contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract. Before the Board determines not to renew the contract for the unsatisfactory performance of renewable contracted certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following an observation, evaluation, or partial evaluation. The probation shall be preceded by written notice from the Board, or its designee, with the reasons for the probationary period and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.
5. Contracts for retired teachers are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the Charter School to terminate the contract at the conclusion of the contract year.

### **Supplemental Contracts**

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

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

### **Delivery of Contract**

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



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

### **Return of the Contract**

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

### **Failure to Accept or Acknowledge**

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

Cross Reference:	Policy 5340	Evaluation of Certificated Personnel
	Policy 6100	Superintendent
Legal Reference	I.C. § 33-507	Limitation upon Authority of Trustees
	I.C. § 33-513	Professional Personnel
	I.C. § 33-514	Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement
	I.C. § 33-514A	Issuance of Limited Contract – Category 1 Contract
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-515A	Supplemental Contracts

### Policy History:

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Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5110**

#### Criminal History / Background Checks

##### General

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

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

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

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

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

##### Initial Hires

In order to protect the health, safety and welfare of the students of The Charter School, Idaho law requires the following employees to subject to criminal history checks:

- (1) Certificated and noncertificated employees;
- (2) All applicants for certificates;
- (3) Substitute staff;
- (4) Individuals involved in other types of student training such as practicums and internships; and
- (5) All individuals who have unsupervised contact with students.

A criminal history check shall be based on a complete ten (10) finger fingerprint card or scan and include, at a minimum, the following:

- (1) Idaho bureau of criminal identification;
- (2) Federal bureau of investigation (FBI) criminal history check; and
- (3) Statewide sex offender register.

Employees will be required to undergo a criminal history check within five (5) days of starting employment or unsupervised contact with students, whichever is sooner.

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

#### Employee Arrest or Conviction

All employees shall have the continuing duty to notify The Charter School of any arrest or criminal conviction that occurs subsequent to being hired by The Charter School. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he/she is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

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

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

It is the discretion of The Charter School to terminate or take other action against any employee that has either been convicted of one (1) or more of the felony offenses set forth in I.C. § 33-1208 or made a material misrepresentation or omission on their job application.

#### Other employees

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

### Volunteers

Any volunteer in The Charter School who has regular unsupervised access to students, as determined by the Superintendent or the Superintendent's designee, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the schools of this Charter School.

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

### Contractors

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

### Confidentiality

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

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates  
I.C. §33-512 Governance of schools  
I.C. §9-340(C) Records Exempt from Disclosure  
Public Law 105-251, Volunteers for Children Act

### Policy History:

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## Idaho Virtual High School

### PERSONNEL

5120

#### Equal Employment Opportunity and Non-Discrimination

The Charter School shall provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, gender identity and expression, sexual orientation, age, ancestry, marital status, military status, citizenship status, pregnancy, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodations, and other legally protected categories.

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

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

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

Cross Reference: 5250                      Uniform Grievance Procedure  
5500                      Hiring Process and Criteria

Legal Reference: 29 U.S.C. §§ 621, et seq. Age Discrimination in Employment Act  
42 U.S.C. §§ 12111, et seq. Americans with Disabilities Act, Title I  
29 U.S.C. § 206(d) Equal Pay Act  
8 U.S.C. §§ 1324(a), et seq. Immigration Reform and Control Act  
29 U.S.C. §§ 791, et seq. Rehabilitation Act of 1973  
42 U.S.C. §§ 2000(e), et seq., 29 C.F.R., Part 1601 Title VII of Civil Rights Act  
20 U.S.C. §§ 1681, et seq., 34 C.F.R., Part 106 Title IX of the Education  
Amendments  
29 CFR 1604.10 Pregnancy Discrimination Act - Employment Policies Relating to  
Pregnancy and Childbirth  
I.C. § 67-5909 Acts Prohibited

#### Policy History:

Adopted on: January 21, 2020

Revised on:

## Idaho Virtual High School

### PERSONNEL

5125

#### Reporting New Employees

The Idaho Legislature has established an automated state directory of new hires to be administered by the Idaho department of labor (herein after "department"). The state directory of new hires provides a means for employers to assist in the state's efforts to prevent fraud in the welfare, worker's compensation, and unemployment insurance programs, to locate individuals to establish paternity, to locate absent parents who owe child support, and to collect support from those parents by reporting information concerning newly hired and rehired employees directly to a centralized state database.

The charter school will report the hire or rehire of an individual by submitting to the department a copy of the employee's completed and signed United States internal revenue service form W-4 (employee's withholding allowance certificate). Before submitting the W-4 form, the charter school will ensure that the W-4 form contains the following information:

1. The employee's name, address, and social security number;
2. The charter school's name, address, and federal tax identification number;
3. The charter school's Idaho unemployment insurance account number, which must be designated at the bottom of the form; and
4. The employee's date of hire or rehire, which must be designated at the bottom of the form.

This charter school will report the hiring or rehiring of any individual to the department within twenty (20) calendar days of the date the employee actually commences employment for wages or remuneration. The report will be deemed submitted on the postmarked date or, if faxed or electronically submitted, on the date received by the department. A copy of the report will be retained by the school, and the copy will set forth the date on which the report was mailed, faxed, or electronically transmitted.

Should the charter school choose to file its report electronically, the district will comply with the department's regulations of such transmissions. Electronically transmitted reports will be filed by two monthly transmissions, if necessary, not less than twelve (12) days apart and not more than sixteen (16) days apart.

The charter school is not liable to the employee for the disclosure or subsequent use of the information by the department or other agencies to which the department transmits the information.

Legal Reference: I.C. § 72-1601 *et seq.* State Directory of New Hires

#### Policy History:

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**Idaho Virtual High School**

**PERSONNEL**

**5200**

Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the Charter School.

Classified employees are employed at will and the charter school policy manual is not intended to express a term of an employment agreement. The provisions of this policy manual do not create a property right which would modify the Charter School's right to terminate the employment relationship of classified employees at will.

Legal Reference: Metcalf v. Intermountain Gas Co., 116 Idaho 622 (1989).

Policy History:

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Revised on:

## Idaho Virtual High School

### PERSONNEL

5205

#### Job Descriptions

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

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

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

Cross Reference: 5500 Personnel Records

Legal Reference: I.C. § 33-514 Issuance of Annual Contracts  
I.C. § 33-515 Issuance of Renewable Contracts  
I.C. § 33-517 Noncertificated Personnel

#### Policy History:

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Revised on:



## Idaho Virtual High School

### PERSONNEL

5210

#### Work Day

##### Length of Work Day - Certified

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

##### Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be an eight-(8)-hour per day/forty (40)-hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor.

The Charter School will not hire full-time classified employees except in unusual circumstances and when consistent with the instructional program of the individual schools.

Legal Reference: 29 USC 201 to 219  
29 CFR 516, et seq.

Fair Labor Standards Act of 1985  
FLSA Regulations

#### Policy History:

Adopted on: January 21, 2020

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## **Idaho Virtual High School**

### **PERSONNEL**

**5220**

#### Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment and/or transfer of position and duties by the Administrator. Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. The Administrator shall provide for a system of assignment, reassignment and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy shall prevent the reassignment of a staff member during the school year.

#### Classified Staff

The right of assignment, reassignment and transfer shall remain that of The Charter School. Written notice of a reassignment or involuntary transfer shall be given the employee. Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the Administrator.

#### Teaching

All teachers shall be given notice of their teaching assignments relative to grade level and subject area before the beginning of the school year.

#### Policy History:

Adopted on: January 21, 2020

Revised on:

## Idaho Virtual High School

### PERSONNEL

5230

#### Accommodating Individuals With Disabilities

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

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

The Superintendent is designated the Americans With Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

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

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

Cross Reference: 5250

Uniform Grievance Procedure

Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.;  
28 C.F.R. Part 35.

#### Policy History:

Adopted on: January 21, 2020

Revised on:

## **The Charter School**

### **PERSONNEL**

5240

#### Sexual Harassment/Sexual Intimidation in the Workplace (Title IX)

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

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

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

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

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

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

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

Investigation. When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to: (1) Protect the grievant from further harassment; (2)

Discuss the matter with and obtain a statement from the accused and his representative, if any; (3) Obtain signed statements of witnesses; (4) Prepare a report of the investigation.

Confidentiality

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

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

Cross Reference: 5250                      Uniform Grievance Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. §  
1604.11  
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.  
I.C. § 67-5909      Acts Prohibited

Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5240F**

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment

I have been informed about the content and expectations of the Sexual Harassment/Intimidation in the Workplace Policy. I have received a copy of the policy and agree to abide by the guidelines as a condition of employment and continuing employment by The Charter School.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5250**

#### Certificated Staff Grievances

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

#### Grievance Definition

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

#### Grievance Procedure

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

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall fill the written grievance with the Administrator. The written grievance shall state:

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

The written grievance must be filed with the Administrator within ten (10) working days of the date of the initial event allegedly giving rise to the grievance.

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

Subsequent to these activities and within a period of ten (10) working days, the Administrator shall provide the grievant with a written response to the grievance of the certificated employee.

If the Administrator or designee does not provide a written response to the grievance at the conclusion of ten (10) working days and no extension of this time period has been agreed to between the grievant and Administrator or designee, the grievance can be advanced to the Board without written response of the Administrator or designee.

Upon receipt of a written appeal of the decision of the Administrator, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final.

Procedure History:

Adopted on: January 21, 2020

Revised on:



## **Idaho Virtual High School**

### **PERSONNEL**

5260

#### Abused and Neglected Child Reporting

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

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

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

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

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

The Charter School employees shall notify the Administrator immediately of the case. The Administrator or the Administrator's designee, shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Idaho Code § 16-1605 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed. I.C. § 16-1606.

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

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

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

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

5265

#### Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

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

#### Intervention

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

Intervention shall be designed to:

- a. Correct the problem behavior;
- b. Prevent another occurrence of the problem;
- c. Protect and provide support for the victim of the act; and
- d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

#### Professional Development

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

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

- a. School philosophy regarding school climate and student behavior expectations;
- b. Definitions of harassment, intimidation, and bullying with specific examples;
- c. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents;
- d. Expectations and examples of staff intervention to harassment, intimidation, and bullying; and
- e. School process for responding to harassment, intimidation, and bullying including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services, and parental involvement.

### Student Discipline

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

### Reporting

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

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

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

### Policy Distribution

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

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

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

### Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

5270

**Report of Suspected Child Abuse, Abandonment or Neglect**

Original to: Local Law Enforcement \_\_\_\_\_  
Department of Health and Welfare \_\_\_\_\_  
Copy to: Administrator \_\_\_\_\_

From: \_\_\_\_\_ Title: \_\_\_\_\_

School: \_\_\_\_\_ Phone: \_\_\_\_\_

Persons contacted:  Superintendent  Teacher  School Counselor  Other

Name of Minor: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of Report: \_\_\_\_\_ Attendance Pattern: \_\_\_\_\_

Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Guardian or Step-Parent: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Any suspicion of injury/neglect to other family members:

Nature and extent of the child's injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused, abandoned and/or neglected:

Previous action taken, if any:

Follow-up by Local Law Enforcement / Department of Health and Welfare (copy to be completed and returned to the Administrator):

Date Received: \_\_\_\_\_ Date of Investigation: \_\_\_\_\_

## **Idaho Virtual High School**

### **PERSONNEL**

**5280**

#### Personal Conduct

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

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

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

The Administrator(s) may set forth specific rules and regulations governing an employee's conduct on the job.

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

#### Policy History:

Adopted on: January 21, 2020

Revised on:

***Professional Standards Commission (PSC)  
Code of Ethics***

This version of the Code of Ethics for Idaho Professional Educators was developed by the Professional Standards Commission in September, 2003; approved by the Idaho State Board of Education in November, 2003; and approved by the Idaho legislature in March, 2004. (IDAPA 08.02.02.076) It has since been amended and approved by the State Board of Education. The date of approval follows the IDAPA subsection.

The Idaho Code of Ethics consists of Ten (10) Principles. Below is a summary of those principles - please refer to the complete document for details

**Code of Ethics: The Ten Principles (Summary)**

- **Principle I:** A professional educator abides by all federal, state, and local laws and statutes.
- **Principle II:** A professional educator maintains a professional relationship with all students, both inside and outside the classroom.
- **Principle III:** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.
- **Principle IV:** A professional educator exemplifies honesty and integrity in the course of professional practice.
- **Principle V:** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.
- **Principle VI:** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation.
- **Principle VII:** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law.
- **Principle VIII:** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.
- **Principle IX:** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators, and submits reports as required by Idaho Code.
- **Principle X:** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following recognized professional principles.

**IDAPA 08  
TITLE 02  
CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**76. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

**1. Aspirations and Commitments. (3-20-04)**

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/her goals and potential as an effective citizen. (4-11-06)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other's cultures and beliefs. (3-20-04)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

**2. Principle I.** A professional educator abides by all federal, state, and local laws and statutes. Unethical conduct may include the conviction of any felony or misdemeanor offense as defined by Section 18-110 and Section 18-111, Idaho Code. All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded. (3-20-04)



**3. Principle II.** A professional educator maintains a professional relationship with all students, both inside and outside the classroom. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by district policy; (4-11-06)
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, or physical) with a student, regardless of age; (3-20-04)
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g. sexual innuendoes or sexual idiomatic phrases); (3-20-04)
- g. Taking inappropriate pictures (digital, photographic, or video) of students; (3-20-04)
- h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
- i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; and (4-11-06)
- j. Conduct that is detrimental to the health or welfare of students. (4-11-06)

**4. Principle III.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
- e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

**5. Principle IV.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)
- c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)
- d. Failure to notify the state of past criminal convictions at the time of application for licensure; (3-20-04)
- e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized

tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

**f.** Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

**g.** Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; and, (3-20-04)

**h.** Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues. (3-20-04)

**6. Principle V.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

**b.** Failure to account for funds collected from students or parents; (3-20-04)

**c.** Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

**d.** Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

**e.** Use of school computers for a private business; (3-20-04)

**f.** Use of school computers to deliberately view or print pornography; and, (3-20-04)

**g.** Deliberate use of poor budgeting or accounting practices. (3-20-04)

**7. Principle VI.** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Unauthorized solicitation of students or parents of students to purchase equipment or supplies from the educator who will directly benefit; (3-20-04)

**b.** Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

**c.** Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

**d.** Soliciting, accepting, or receiving a pecuniary benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-04)

**8. Principle VII.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

**b.** Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

**9. Principle VIII.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)

- b. Willfully refusing to perform the services required by a contract; and, (3-20-04)
- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

**10. Principle IX.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to:(3-20-04)

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)
- c. Failure to comply with Section 33-512B, Idaho Code, (Suicidal tendencies and duty to warn); and (4-11-06)
- d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

**Principle X.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (4-11-06)

- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)
- b. Committing any act of harassment toward a colleague; (4-11-06)
- c. Conduct that is offensive to the ordinary dignity, decency, and morality of others; (4-11-06)
- d. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)
- e. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
- f. Deliberately falsifying information presented to students; (4-11-06)
- g. Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
- h. Taking inappropriate pictures (digital, photographic or video) of colleagues. (4-11-06)

#### **77. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

- 1. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)
- 2. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)
- 3. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school

in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code).

**4. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)

**5. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)

**6. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)

**7. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). (3-20-04)

**8. Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)

**9. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)

**10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)

**11. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, Superintendent, assistant Superintendent, or school resource officer (SRO). (3-20-04)

**12. Ethics Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. (4-11-06)

**13. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)

**14. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)

**15. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Ethics Committee, or following review by the Ethics Committee at the request of the deputy attorney general assigned to the Department of Education. (4-11-06)

**16. Minor.** Any individual who is under eighteen (18) years of age. (3-20-04)

**17. Not-Sufficient Grounds.** A determination by the Ethics Committee that there is not-sufficient evidence to take action against an educator's certificate. (4-11-06)

**18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)

**19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04)

**20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)

**21. Revocation.** The invalidation of any Certificate held by the educator. (3-20-04)

**22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. (3-20-04)

**23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)

**24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. (3-20-04)

### **VIOLATIONS OF THE CODE OF ETHICS OF THE IDAHO TEACHING PROFESSION**

Under Idaho Code §§ 33-1208; 33-1208A and 33-1209, a violation of the Code of Ethics of the Idaho Teaching Profession may lead to a letter of reprimand, suspension, revocation, or denial of a certificate.

Legal Reference: IDAPA 08.02.02.076  
I.C. § 33-1208 I.C. §  
33-1208A I.C. § 33-  
1209

Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5285**

Solicitations

Solicitations By Staff Members

Teachers will not sell, solicit for sale, advertise for sale for personal gain any merchandise or service nor will teachers organize students for such purposes without the approval of the Administrator.

Solicitations of Staff Members

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

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5290**

#### Insubordination

As the Charter School has high expectations for student behavior, it is critical that all the adults in the school setting model and reinforce appropriate professional interactions. Accordingly, employees shall treat all Directors, Administrators, Supervisors and colleagues in an appropriate and professional manner.

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

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

- Disobeying the appropriate order or instruction of a Director, Administrator or Supervisor.
- Disputing or ridiculing authority.
- Exceeding authority.
- Using vulgar or profane language to a Director, Administrator or Supervisor.

#### Policy History:

Adopted: January 21, 2020

Revised:

## Idaho Virtual High School

### PERSONNEL

5300

#### Political Activity - Staff Participation

The Governing Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the Charter School may seek an elective office, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The Charter School assumes no obligation beyond making such opportunities available.

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

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

No Charter School employee may use public facilities, equipment, including, but not limited to, telephones, fax machines, copy machines, computers, e-mail, etc., or supplies, including, but not limited to, paper clips, staples, pens, pencils, paper, envelopes, tape, etc., that are purchased with public funds for election or political campaigns, private or charitable organizations or foundations or ballot issues.

No Charter School employee may work on election, political campaigns, ballot issues or issues dealing with private or charitable organizations or foundations during the time that they are also working for The Charter School.

Legal Reference: 5 USC 7321, et seq. Hatch Act  
Idaho Constitution Article III, Section 1  
Idaho Attorney General Opinion No. 95-07

#### Policy History:

Adopted on: January 21, 2020

Revised on:



## **Idaho Virtual High School**

### **PERSONNEL**

5325

#### Employee Use of Social Media Sites, Including Personal Sites

Because of the unique nature of social media sites, including personal sites, and because of Richard McKenna Charter School's desire to protect its interest with regard to its electronic records, the following rules have been established to address social media site usage by all employees. Failure to comply with this policy will result in disciplinary action that may include suspension or ~~and up to~~ termination.

#### **Protect Confidential and Proprietary Information**

Employees shall not post confidential or proprietary information about the Charter School, its employees, students, parents, agents or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the Charter School and shall comply with the Family Educational Rights and Privacy Act (FERPA) and the Code of Ethics for Idaho Professional Educators.

#### **Do Not Use Charter School Name, Logos, or Images**

Employees shall not use the Charter School logos, images, iconography, etc. on personal social media sites. Nor shall employees use the Charter School name to promote a product, cause or political party or political candidate, or their own financial or personal interest.

#### **Respect Charter School Time and Property**

The Charter School computers and time on the job are reserved for Charter School- related business. Employees shall not use Charter School time or property to access personal social media sites. Any posting made to social media using school equipment or the school's internet access may be subject to disclosure as a public record.

#### Policy History:

Adopted on: January 21, 2020

Revised on: June 15, 2021

## **Idaho Virtual High School**

### **PERSONNEL**

**5325P**

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

##### **Think Before Posting**

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

##### **Be Respectful**

Posts should be considered carefully in light of how they would reflect on the poster, the Charter School and/or its students and employees.

##### **Remember Your Audience**

Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes students, fellow employees, and peers. Consider this before publishing.

##### **Official Use of Social Media Sites**

This subsection of the procedure refers only to social media accounts or pages that speak on behalf of the School of any of its programs, departments, or activities or on behalf of a School employee in their capacity as employees.

##### **Notify the Charter School**

Employees that have or would like to start an official social media page should contact the Administrator or designee. All Charter School pages must have an appointed employee who is identified as being responsible for content. Charter Schools should outline the duties of the employee responsible for the site, including how often the site must be checked for comments and who is allowed to post to the site. The Superintendent should be aware of the content on the site.

##### **Have a Plan**

Charter Schools should consider their messages, audiences, goals, as well as strategy for keeping information on social media sites up to date.

## **Protect Richard McKenna Charter School**

Posts on social media sites should protect the Charter School's image and reputation by remaining professional in tone and in good taste. Carefully consider the naming of pages and accounts, the selecting of pictures and icons and the determination of content.

### **Policy History:**

Adopted on: January 21, 2020

Revised on: June 15, 2021

## Idaho Virtual High School

### PERSONNEL

5330

#### Employee Electronic Mail and On-Line Services Usage

Electronic mail (“e-mail”) is defined as a communications tool whereby electronic messages are prepared, sent and retrieved on personal computers. On-line services (i.e., the Internet) are defined as a communications tool whereby information, reference material and messages are sent and retrieved electronically on personal computers.

Because of the unique nature of e-mail/Internet, and because of The Charter School’s desire to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

The Charter School e-mail and Internet systems are intended to be used for educational purposes only. No Charter School employee may use The Charter School’s e-mail or Internet systems for the promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations or ballot issues, however, use for other informal or personal purposes is permissible within reasonable limits. All e-mail/Internet records are considered Charter School records and should be transmitted only to individuals who have a need to receive them. Additionally, Charter School records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, employees should always ensure that the educational information contained in e-mail/Internet messages is accurate, appropriate and lawful. E-mail/Internet messages by employees may not necessarily reflect the views of The Charter School. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of the law or Charter School policies, will result in disciplinary action, up to and including termination of employment.

While The Charter School does not intend to regularly review employees’ e-mail/Internet records, employees have no right or expectation of privacy in e-mail or the Internet. The Charter School owns the computer and software making up the e-mail and Internet system and permits employees to use them in the performance of their duties for the Charter School. E-mail messages and Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by the Administrator.

Cross Reference: 5290 Political Activity-Staff Participation

Legal Reference: Idaho Constitution Article VIII, Section

2

Idaho Attorney General Opinion No. 95-07  
Board of County Commissioners v. Idaho Health Facilities Authority, 96  
Idaho 498 (1975)

#### Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5330F**

Employee Electronic Mail and On-Line Services Use Policy Acknowledgment

I have read and been informed about the content, procedures, and expectations of the Employee Electronic Mail and On-Line Services Use Policy. I have received a copy of the policy and agree to abide by the guidelines as a condition of employment and continuing employment by The Charter School.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5335**

Employee Use of Electronic Communications Devices

The Charter Board recognizes that employees may carry personally owned electronic communications devices and hereby adopts this policy.

**Personally-Owned Communications Devices**

Employees may carry personally-owned cellular telephones, pagers/beepers, and PDA's or laptops with "beaming capabilities" during the school day on school property. Cellular telephones and pagers/beepers should not be used during the employee's normal duty times to send/receive messages of a personal nature and should be turned off during instructional time or at school-sponsored programs, meetings, in-services, parent/guardian conferences, or any other time when there would be a reasonable expectation of quiet attentiveness unless the administrator grants permission for their use.

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

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5340**

#### Evaluation of Certificated Personnel

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

Each certificated staff member shall receive at least one (1) written evaluation to be completed by no later than June 1<sup>st</sup> for each annual contract year of employment and shall use multiple measures that are research based and aligned to the *Charlotte Danielson Framework for Teaching Second Edition*. The evaluation of certificated personnel shall annually include a minimum of two (2) documented observations, one (1) of which shall be completed prior to June 1<sup>st</sup>.

#### Objectives

The formal performance evaluation system is designed to:

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

#### Responsibility

The Superintendent or his or her designee shall have the overall responsibility for the administration and monitoring of the Performance Evaluation Program and will ensure the fairness and efficiency of its execution, including:

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

The Superintendent is also the employee's evaluator and is responsible for:

1. Continuously observing and evaluating an employee's job performance including a minimum of two (2) documented observations annually for certificated personnel, one (1) of which shall be completed prior to June 1<sup>st</sup> of each year.
2. Holding periodic counseling sessions with each employee to discuss job performance;
3. Completing Performance Evaluations as required; and
4. Completing training on the Charter School's Performance Evaluation Program.



## Written Evaluation

A written evaluation will be completed for each certificated employee. A copy will be given to the employee. The original will be retained by the Immediate Supervisor. The evaluation should be reviewed annually and revised as necessary to indicate any significant changes in duties or responsibilities. The evaluation is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the evaluator and the employee as to the job description and major performance objectives.

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

## Evaluation Measures

**Observations:** Periodic classroom observations will be included in the evaluation process with a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to June 1<sup>st</sup>.

**Professional Practice:** A majority of the evaluation of certificated personnel will be comprised of Professional Practice based on the *Charlotte Danielson Framework for Teaching Second Edition*. The evaluation will include at least one (1) of the following as a measure to inform the Professional Practice portion: input received from parents or guardians, input received from students, and/or portfolios. The Charter School has chosen **student input gathered and documented from the annual Advanc-Ed student survey** as its measure(s) to inform the Professional Practice portion. The Board shall determine the manner and weight of parental input, student input, and/or portfolios on the evaluation.

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

**Charlotte Danielson Framework:** The evaluation will be aligned with minimum State standards and based upon the *Charlotte Danielson Framework for Teaching Second Edition* and will include, at a minimum, the following general criteria upon which the Professional Practice portion will be based. Individual domain and component ratings must be determined based on a combination of professional practice and student achievement as specified above.

### 1. Planning and Preparation

- Demonstrating Knowledge of Content and Pedagogy;
- Demonstrating Knowledge of Students;

- Setting Instructional Outcomes;
  - Demonstrating Knowledge of Resources;
  - Designing Coherent Instruction; and
  - Designing Student Assessments.
- Classroom Learning Environment
    - Creating an Environment of Respect and Rapport;
    - Establishing a Culture for Learning;
    - Managing Classroom Procedures;
    - Managing Student Behavior; and
    - Organizing Physical Space.
- Instruction and Use of Assessment
    - Communicating with Students;
    - Using Questioning and Discussion Techniques;
    - Engaging Students in Learning;
    - Using Assessment in Instruction; and
    - Demonstrating Flexibility and Responsiveness.
- Professional Responsibilities
    - Reflecting on Teaching;
    - Maintaining Accurate Records;
    - Communicating with Families;
    - Participating in a Professional Community, contributing to school/District
    - Growing and Developing Professionally; and
    - Showing Professionalism.

#### Meeting with the Employee

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

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

1. Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.
2. Allow the employee to make any written comments he or she desires. Inform the employee that he or she may turn in a written rebuttal/appeal of any portion of the evaluation within seven (7) days and outline the process for rebuttal/appeal. Have the employee sign the evaluation indicating that he or she has been given a copy and initial after supervisor's comments.

No earlier than seven (7) days following the meeting, if the supervisor has not received any written rebuttal/appeal, the supervisor will forward the original evaluation in a sealed envelope, marked "Personnel-Evaluation" to the Superintendent, or the designee, for review. The supervisor will also retain a copy of the completed form.

#### Rebuttals/Appeal

Within seven (7) days from the date of the evaluation meeting with their supervisor the employee may file a written rebuttal/appeal of any portion of the evaluation. The written rebuttal/appeal shall state the specific content of the evaluation with which the employee disagrees, a statement of the reason(s) for disagreement, and the amendment to the evaluation requested.

If a written rebuttal/appeal is received by the supervisor within seven (7) days, the supervisor may conduct additional meetings or investigative activities necessary to address the rebuttal/appeal. Subsequent to these activities, and within a period of ten (10) working days, the supervisor may provide the employee with a written response either amending the evaluation as requested by the employee or stating the reason(s) why the supervisor will not be amending the evaluation as requested.

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

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

### Action

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

### Records

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

### Reporting

Any subsequent changes to the Charter School's evaluation plan shall be resubmitted to the State Department of Education for approval. The Charter School shall report the summative rankings, the number of components rated as unsatisfactory, whether a majority of the certificated personnel's students met their measurable student achievement or growth targets or student success indicators as well as what measures were used, and whether an individualized professional learning plan is in place for all certificated personnel evaluations, annually to the State Department of Education.

Legal Reference:	I.C. § 33-514	Issuance of Annual Contracts – Support Programs – Categories of Contracts – Optional Placement – Written Evaluation
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-518	Employee Personnel Files
	I.C. § 33-1001	Definitions
	IDAPA 08.02.02.120	Local Charter School Evaluation Policy

### Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

5350

#### Certified Personnel Resignation (Release from Contract)

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

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

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

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

Should any certificated employee desire release from his/her contract after the first day of July, the Governing Board may at its discretion request a hearing before the professional standards commission, alleging that the certificated employee is guilty of unethical and unprofessional practice.

#### Classified Personnel

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

All resignations should be in writing. Requests for resignation shall be submitted to the Superintendent of Schools.

Policy History:

Adopted on: January 21, 2020

Revised on:

Professional Research and Publishing

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

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

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

Cross-reference: 4250 Educational Research

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

5400

#### Leaves of Absence

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

#### Delegation of Authority

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

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

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

#### Considerations for Involuntary Leave

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

1. Whether or not the conduct at issue involves a possible:
  - A. Criminal act;
  - B. Violation of the Code of Ethics for Idaho Professional Educators;
  - C. A violation of federal or state education laws or regulations; or
  - D. A violation of Charter School Policy and/or Procedure.
2. Whether or not the conduct at issue involves the health, welfare, or safety of the Charter School's students or employees.
3. Whether or not there is an event identified.



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

#### Sick Leave (Paid Leave)

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

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

1. Certified employees shall be granted Sick Leave of 10 days annually.
2. Classified employees working thirty (30) hours or more per week shall be granted Sick Leave
3. Classified employees will be granted Sick Leave of 10 days annually. Sick Leave can accrue up to a maximum of 180 days. Compensation shall not be provided for unused sick leave.
4. If qualifying, an employee may use accumulated sick leave for a pregnancy-related sickness.
  - a. For traditional pregnancy leave, other than pregnancy-related sickness addressed above, an employee may utilize up to six (6) weeks of accumulated paid sick leave. From this sick leave, the employee will receive 75% of their salary. The remaining 25% will be expended from the employee’s accumulated sick leave for use by the school in helping defray the costs associated with a substitute employee.
5. The Charter School, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of Sick Leave or false claims of illness.

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

#### Accrual of Unused Sick Leave

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

#### Bereavement Leave

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

1. The Superintendent shall have the authority to give Bereavement Leave for up to five (5) days.
  - a. These five (5) days of Bereavement Leave shall be with pay. Any days in excess of the five (5) days shall be without pay, absent qualification of such leave for Sick Leave.
2. Bereavement Leave of greater than five (5) days must be approved by the Superintendent.
3. Bereavement Leave shall not exceed ten (10) days, unless prescribed by a physician.

#### Personal Leave

Employees will be granted three (3) Personal Leave annually without accumulation in accordance with this policy. Upon recommendation of the Administrator, and in accordance with law and Charter School policy, employees may be granted Personal Leave pursuant to the following conditions:

1. Personal Leave will only be granted in units of half or full days.
2. Written notice must be provided at least 5 days prior to the leave.
3. In the case of an emergency situation, notice shall be provided to the school at the earliest possible opportunity.

#### Vacation Leave

Individuals who are employed as 12 month employees shall receive annually a minimum of 10 days full equivalency paid vacation. Employees can take no more than 10 consecutive vacation days per leave. Approval by the Superintendent is required if the employee will need more than 10 consecutive days of vacation leave.

Employees may accrue unused days to the following school year. Employees cannot accrue more than 25 vacation days annually. When a 12 month employee no longer works for the charter school, all accrued and unused vacation leave will be paid, at the current daily rate, to the employee in the final paycheck.

## Leave without Pay

Leave days without pay must have prior approval from the Superintendent. A written request must be made prior to taking the leave. Any leave without pay the employee will lose one day from pay for each day taken. Pay without leave will only be approved for family or medical emergencies. Employee must provide documentation verifying the leave, such as a doctor's note. Abuse of the pay without leave policy will result in the employee being terminated.

## Leave Restrictions

No Leave Day will be approved during the following calendar days, unless it is an emergency and is pre-approved by the Superintendent.

1. First 10 days of school.
2. Last 10 days of school
3. Scheduled testing days
4. Professional Development/teacher workdays
5. Parent Gatherings, Open Houses or other such events
6. Week before and week after Thanksgiving Break, Christmas Break and Spring Break

## Abuse of Leave

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

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

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

Legal Reference: 42 USC 2000e                      Equal Employment Opportunities  
I.C. § 33-1216 et seq.                      Sick and other leave  
I.C. § 33-1228                                  Severance allowance at  
retirement I.D.A.P.A. § 08.02.02.076.05.f

## Policy History:

Adopted on: January 21, 2020

Revised on: June 15, 2021, October 18, 2022

## **Idaho Virtual High School**

Personnel

5410

### Family and Medical Leave

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

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

Upon return from FMLA, reasonable efforts shall be made to place the employee in the original or an equivalent position with equivalent pay, benefits and other applicable employment terms.

### Eligibility

An employee is eligible to take FMLA leave if the employee:

1. Has been employed for at least twelve (12) months;
2. Has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested; and
3. if there have been at least fifty (50) Charter School employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

### Service-Member Family Leave

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

### Compensation and Benefits Related Issues

1. FMLA is unpaid leave.
  - a. Employees will be required to use accumulated paid Sick Leave while on FMLA Leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to the school's policy including the following situations:

- i. To care for the employee's spouse, child, or parent who has a serious health condition; or
  - ii. For a serious health condition that makes the employee unable to perform the employee's job.
2. If the employee is out of work on FMLA, the employee's health benefits will continue on the same terms and conditions as if the employee were still actively working.
  - a. The School will continue to pay its share of the employee's share of health benefits and if the employee has any share of costs and/or has any dependent coverage costs, the employee will continue to pay such costs.
3. The school will comply with all notice provisions relating to termination of insurance coverage due to any employee's failure to pay his/her premium portion and/or the employees request for termination of coverage. Such notice shall be provided at least fifteen (15) days prior to the termination of coverage.
4. Workers Compensation absences will be designated FMLA Leave.

#### Calculation of Time Periods

1. For the purpose of determining eligibility for FMLA, the Board will calculate the "twelve-month (12-month) period immediately preceding the commencement of the leave" as a rolling twelve-month (12-month) period measured from the date an employee uses FMLA leave.

#### Notice and Medical Certification

1. A Sick Leave request form is to be completed whenever an employee is absent from work for more than three (3) consecutive days or when an employee has a need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.
2. An employee shall provide thirty (30) days advance notice when the leave is "foreseeable." In all other situations, the employee shall provide notice to the Building Administrator as soon as practicable.
  - a. The school recognizes that emergency situations occur where advance leave notice is not possible. However, inexcusable delays in notice to the school may result in a delay of the leave request.
3. Medical certification shall be required to support a request for leave in order to determine FMLA initial or continued eligibility or for use in obtaining a second opinion (at the employer's cost).
4. Medical certification may be required in the form of a fitness for duty report prior to the employee returning to work subsequent to use of FMLA.
5. All documentation relating to an employee's FMLA shall be maintained by the School's business personnel and all employees shall direct such forms to the business personnel to facilitate proper recordkeeping.

#### Intermittent Leave, Special School-Related Rules and Dual Employee Family Issues

1. Intermittent leave or reduced schedule hours leave may be requested where medically necessary in accordance with FMLA provisions.
  - a. An employee may be temporarily reassigned to accommodate intermittent leave or a reduced schedule under FMLA.
    - i. Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the Charter School to:
      1. take leave for a period(s) of particular duration not to exceed the duration of the treatment; or
      2. transfer to an alternate but equivalent position.
2. The Board will comply with special FMLA rules for schools and school employees:
  - a. End of an academic term by instructional employees:
    - i. Leave More Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of a semester term if:
      1. the leave is at least three (3) weeks; and
      2. the employee's return would take place during the last three-week (3-week) period of the semester term.
    - ii. Leave Less Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five (5) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of a semester term if:
      1. the leave is longer than two (2) weeks; and
      2. the employee's return would take place during the last two-week (2-week) period of the semester term.
    - iii. Leave Less Than Three (3) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three (3) weeks before the end of term, the Charter School may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.
  - b. The period of summer vacation or other scheduled breaks (i.e. Christmas or Spring Break) when an employee would not have been required to work will not count against the employee's FMLA leave.
3. If spouses are employed by the school, each employee is entitled to a total of twelve (12) weeks of leave per year. However, leave shall only be granted to one (1) parent at a time and only if leave is taken:
  - a. For the birth of a child or to care for the child after birth
  - b. For placement of a child for adoption or foster care or to care for the child after placement; or

- c. To care for a parent with a serious health condition (but not a parent-in-law).

### Definitions

For the purpose of this Policy, the following definitions shall apply:

1. Child – includes biological, adopted or foster children, step-child, legal ward or a child of a person standing *in loco parentis* (in place of the parent). The child must either be under eighteen (18) years of age or, if over eighteen (18), incapable of self-care because of a mental or physical disability, or a covered service member.
2. Parent – includes biological parent (not parent-in-law) or someone who stood *in loco parentis* when the employee was a child.
3. Spouse – is a husband or wife, including a common-law husband or wife, but does not include a “significant other” or “domestic partner.”
4. Serious Health Condition – is a condition that involves either in-patient care or “continued treatment” by a health care provider.
5. Continued Treatment – includes:
  - a. Any three (3) day period of incapacity that involves: (a) at least two (2) visits to a health care provider; or (b) a regimen of continued treatment under a health care provider’s supervision;
  - b. Any period of incapacity due to pregnancy (including severe morning sickness), even if no treatment is obtained for prenatal care;
  - c. Any period of incapacity due to a chronic medical condition, such as asthma, diabetes, or epilepsy, even if no treatment is obtained;
  - d. Any period of absence to receive multiple treatments for restorative surgery or a serious illness such as cancer, severe arthritis or kidney disease; or
  - e. Any permanent or long-term incapacity (e.g. Alzheimer’s or severe stroke), even if no treatment is being provided.
6. Next of Kin – is the only living relative of a covered service member.

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

Family Medical Leave Act --

### Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

PERSONNEL

5412

### Jury Duty

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

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

Jury duty leave is paid for up to five (5) work days. The Administrator may approve additional days. Employees must submit all compensation paid by the Court to be eligible for compensated jury duty leave.

### Policy History:

Adopted on: January 21, 2020

Revised on:



**Idaho Virtual High School**

**PERSONNEL**

**5413**

Witness for Court Appearance Leave

The Charter School employees who are subpoenaed into court as a witness will be allowed leave for required court appearances. Such leave will be with pay. Employees are expected to use only the portion of the work day required for their appearance as a witness. Employees are required to submit a copy of the subpoena and receive prior approval of the Administrator and their immediate supervisor.

Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5420**

Long-Term Illness/Temporary Disability

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

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

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

Cross Reference: 5410 – 5410P

Family Medical Leave

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

Family Medical Leave Act –

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

29 CFR 1604.10

Pregnancy Discrimination Act -

Employment Policies Relating to Pregnancy and Childbirth

Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5420P**

Long-Term Illness/Temporary Disability

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

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

Cross Reference: 5410 – 5410P

Family Medical Leave

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

Family Medical Leave Act –

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

29 CFR 1604.10

Pregnancy Discrimination Act -

Employment Policies Relating to Pregnancy and Childbirth

Procedure History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5430**

Insurance Benefits for Employees

Newly hired certificated employees will be eligible for insurance benefits offered by The Charter School.

Classified employees who work twenty (20) hours or more per week shall be entitled to group health insurance benefits as applicable to certificated personnel.

Legal Reference: I.C. § 33-517A School districts – Noncertificated employees – Group health insurance  
I.C. § 67-5763 Governmental body authorized to make contracts for group insurance for officers and employees

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5460**

#### Workers' Compensation Benefits

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

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

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

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

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

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

#### Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

5480

#### Leadership Premiums

The Board shall have in place a plan and criteria for providing leadership premium compensation to reward teachers and pupil service staff for serving in a leadership capacity in the Charter School.

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

#### **Leadership Criteria**

The Board shall award leadership premiums of a minimum of \$900 to certificated instructional and pupil service employees, regardless of such employees full or part time status, in recognition of the additional time they will spend fulfilling one or more of the following leadership roles:

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

[Note: Should the Board choose to identify various other criteria as eligible, a description of those duties should be included in the plan or identified in this policy.]

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

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

Legal Reference: I.C. § 33-1004F

I.C. § 33-1004J

Obligations to Retirement and Social Security  
Benefits

Leadership Premiums

Policy History:

Adopted on: January 21, 2020

Revised on:

## **Idaho Virtual High School**

### **PERSONNEL**

**5500**

#### Personnel Files

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

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

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

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

#### Certificated Employees

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

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

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



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

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

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

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

#### Other Files upon Separation

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

## Record Keeping Requirements Under the Fair Labor Standards Act

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

1. Records required for ALL employees:
  - a. Name in full (same name as used for Social Security);
  - b. Employee's home address, including zip code;
  - c. Date of birth if under the age of nineteen (19);
  - d. Gender (may be indicated with Male/Female; M/F; or a Mr., Mrs., Miss, or Ms.);
  - e. Time of day and day of week on which the employee's work week begins;
  - f. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
  - g. Any payment made which is not counted as part of the "regular rate";
  - h. Total wages paid each pay period; and
  - i. I-9.
  
2. Additional records required for non-exempt employees:
  - A. Regular hourly rate of pay during any week when overtime is worked;
  - B. Hours worked in any work day (consecutive twenty-four-(24)-hour period);
  - C. Hours worked in any work week (or work period in case of 207[k]);
  - D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week, but excluding premium pay for overtime);
  - E. Total overtime premium pay for a work week;
  - F. Date of payment and the pay period covered;
  - G. Total deductions from or additions to wages each payperiod;
  - H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
  - I. Number of hours of compensatory time earned each payperiod;
  - J. Number of hours of compensatory time used each pay period; and
  - K. Number of hours of compensatory time compensated in cash, the total amount paid and the dates of such payments.

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

5820 Evaluation of Non-Certified Staff

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act  
29 C.F.R. § 516.2 and 3 Record keeping requirements  
I.C. § 9-340C Records Exempt from Disclosure – Personnel Files, etc.  
I.C. § 33-517 Non-certificated personnel  
I.C. § 33-518 Employee personnel files  
I.C. § 33-1210 Information on past job performance

Policy History:

Adopted on: January 21, 2020

Revised on:



## **Idaho Virtual High School**

### **PERSONNEL**

**5610**

#### Prevention of Disease Transmission

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

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

#### Policy History:

Adopted on: January 21, 2020

Revised on:

## Idaho Virtual High School

### PERSONNEL

5720

#### Volunteers / Contractors

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

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

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

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

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

Legal Reference: I.C. § 33-512	Governance of schools
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#### Policy History:

Adopted on: January 21, 2020

Revised on:

**Idaho Virtual High School**

**PERSONNEL**

**5730**

**VOLUNTEER -- AUTHORIZATION TO RELEASE INFORMATION**

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am seeking a volunteer assignment with The Richard McKenna Charter Schools. I acknowledge that a complete investigation into my background is necessary to protect the safety and welfare of the children in The Charter School. I hereby expressly and voluntarily give The Charter School the right to make a thorough investigation of my past employment, education, and activities. I understand that The Charter School reserves the right to use any lawful method of investigation that, in its sole discretion, it deems reasonable and necessary.

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Print Full Name: \_\_\_\_\_

Print Full Address: \_\_\_\_\_  
\_\_\_\_\_

Birth Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

STATE OF IDAHO )

: ss.

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, before me, a notary public of the State of Idaho, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Release, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public, State of Idaho  
County of \_\_\_\_\_  
My commission expires \_\_\_\_\_

**Idaho Virtual High School**

**PERSONNEL**

**5820**

Evaluation of Non-Certified Staff

Each non-certified staff member's job performance shall be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled evaluations, on forms applicable to the job classification and description, and day-to-day appraisals.

The Administrator shall provide a copy of the completed evaluation to the staff member and shall provide an opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the Administrator. If the staff member refuses to sign the evaluation, the Administrator should note the refusal. The employee will be allowed the opportunity to attach a rebuttal to any information contained in the evaluation.

Legal Reference: I.C. § 33-517      Noncertificated Personnel  
                          I.C. § 33-518      Employee Personnel Files

Policy History:

Adopted on: January 21, 2020

Revised on: