

**5000 SERIES—PERSONNEL**

Goals .....	5000
Hiring	
Hiring Process and Criteria.....	5100
Procedures for Obtaining Personnel Records for Applicants .....	5100P
Authorization for Release of Information Form .....	5100F1
Request to Employer Form .....	5100F2
Request for Verification of Certificate Form.....	5100F3
Certificated Personnel Employment.....	5105
Criminal History / Background Checks.....	5110
Equal Employment Opportunity and Non-Discrimination .....	5120
Reporting New Employees.....	5125
Employee Rights, Responsibilities and Conduct	
Applicability of Personnel Policies.....	5200
Job Descriptions.....	5205
Work Day .....	5210
Assignments, Reassignments, Transfers.....	5220
Accommodating Individuals with Disabilities.....	5230
Sexual Harassment/Sexual Intimidation in the Workplace.....	5240-5240F
Certificated Staff Grievances.....	5250
Abused and Neglected Child Reporting .....	5260
Employee Responsibility Regarding Student Harassment, Intimidation & Bullying.....	5265
Report of Suspected Child Abuse, Abandonment or Neglect .....	5270
Personal Conduct.....	5280
Professional Standards Commission (PSC) Code of Ethics .....	5281
Solicitations .....	5285
Political Activity - Staff Participation.....	5290
Employee Use of Social Media Sites, Including Personal Sites.....	5325-5325P
Employee Electronic Mail and On-Line Services Usage.....	5330-5330F
Employee Use of Electronic Communications Devices .....	5335
Evaluation of Certificated Personnel .....	5340
Certified Personnel Resignation (Release from Contract).....	5350
Dress and Appearance.....	5360
Professional Research and Publishing .....	5380
Employment Referrals and Prevention of Sexual Abuse.....	5390
Whistleblowing .....	5395
Compensation and Benefits	
Leaves of Absence .....	5400
Family Medical Leave .....	5410
Jury Duty.....	5412
Witness for Court Appearance Leave .....	5413
Long-Term Illness/Temporary Disability .....	5420-5420P
Insurance Benefits for Employees / Board of Directors.....	5430
Vacation Leave .....	5450
Workers' Compensation Benefits .....	5460

Leaves of Absence - Military Leave.....	5470
Leadership Premiums .....	5480
Certified Personnel Records	
Personnel Records.....	5500
Personnel Records Procedure.....	5500P
Employee Health and Welfare	
Prevention of Disease Transmission.....	5610
Employment Practices	
Teachers' Aides/Paraeducators.....	5710
Volunteers / Contractors .....	5720
Volunteer--Authorization to Release Information .....	5730
Classified Employees	
Evaluation of Non-Certificated Staff .....	5820

## **Legacy Charter School**

### **PERSONNEL**

**5000**

#### Board Goal/Personnel

The human resources of Legacy Charter School are valuable and significant in creating an effective educational program and learning environment. The Governing Board recognizes that schools function most efficiently and successfully when highly qualified individuals are employed to staff the needs of Legacy 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: December 15, 2011

Revised on:

## **Legacy Charter School**

### **PERSONNEL**

**5100**

#### Hiring Process and Criteria

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

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

This policy shall be made available to any Charter School employee or person seeking employment with the School.

#### **Guidelines**

1. There will be no discrimination in the hiring process. See Policy 5120.
2. Applicants for teaching positions shall provide evidence of meeting State requirements for certification and sign a statement authorizing current and past school district employers, including those outside the state of Idaho, to release to the Charter School all information relating to job performance or job related conduct, and making available to the School copies of all documents in the applicant's previous personnel files, investigative files, or other files. Such statement will also release the applicant's current and past employers from any liability for providing such information and documentation. Applicants who do not sign the statement/release shall not be considered for employment. The Charter School will consider information received from current and past school district employers only for the purpose of evaluating applicants' qualifications for employment in the position for which they have applied and no one shall disclose such information to anyone, other than the applicant, who is not directly involved in the process of evaluating the applicants' qualifications for employment. Applicants may be employed on a non-contracted provisional basis as allowed by law. Applicants shall not be prevented from gaining employment if current or past out-of-state employers are prevented from or refuse to cooperate with the Charter School's request. See Forms 5100F1 and 5100F2.

3. Applicants for high school and middle school positions should have a major or its equivalent in the specific teaching field(s). Elementary applicants should have a major or its equivalent in elementary education or in the special area of assignment(s). Applicants for specific teaching positions shall also meet the applicable State standards.
4. Applicants for all teaching positions should have a minimum over-all grade point average of 2.5 (A-4, B-3, C-2, D-1). All candidates should have a grade point average of 2.75 in their respective major teaching field(s).
5. When considering coaching assignments in secondary schools, preference for hiring will be given to a qualified certificated professional employee in the school where the coaching vacancy exists. The Administrator will be responsible for assuring that all qualified and interested applicants within the building have been given consideration. Giving such individuals consideration does not mean that such an individual will necessarily be retained for a coaching position. Another individual who is not a School employee may receive the position in question.
6. As required in Idaho Code 65-505, the Charter School will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
7. As required in Idaho Code 33-130 and 33-512(15), the School will conduct a criminal history check for applicable positions. See Policy 5110.
8. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.
9. Applicants must have an understanding of the Charter School mission and vision and a desire to meet the intent of the Charter School in addressing its unique reason for establishment.

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

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

### **Notice of Vacancies**

The Administrator shall develop procedures for the posting of available positions within the Charter School.

1. Job Vacancy Notices: Any notice from the Charter School will contain the following information:
  - A. Position available and job description.

B. Requirements for completed application, as applicable for position, include but are not limited to:

- a. A completed Charter School application form;
- b. Official transcripts of all university or college credits;
- c. A placement center file;
- d. A personal resume;
- e. Verification or eligibility of Idaho certification; and
- f. A signed statement/release for current and past school district employers.

C. Timeline for receiving application.

D. Process notification of how applications will be handled.

2. Application Procedures: It will be the responsibility of any applicant to provide the information listed in 1-B above.

A. Such information must be received prior to the cutoff date for receiving applications as specified in the vacancy notice.

B. It will be at the discretion of the Administrator or the appropriate administrator to determine whether such deadlines should be extended to accommodate individuals where placement center files, transcripts, or other materials are not yet received by the Charter School for consideration. Such time extension will be restricted to a reasonable time frame.

C. In addition to the certification information provided by the applicant, the Charter School will also request from the Office of the Superintendent of Public Instruction verification of certification status, any past or pending violations of the professional code of ethics, any detail as to any prior or pending conditions placed upon a certificate holder's certificate, any prior or pending revocation, suspension, or the existence of any prior letters of reprimand and information relating to job performance.

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

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

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

### **Board Action**

The Board of Directors of the Charter School will:

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

### **Approval**

A contract will be sent, which may comply with the forms recommended by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-5206(4). The applicant must sign the contract and return it within ten days from the date the contract is delivered to them. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Administration in the designated period of time, the Administrator or designee may declare the position vacant. Should the candidate not be approved, or if the person willfully refuses to acknowledge receipt of the contract or if the contract is not signed and returned to the Administration, the Administrator will advance to the next applicant's name for consideration.

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

### **Certification**

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

Cross Reference: 5100F1-5100F3    Hiring Process and Criteria Forms  
5110                                    Criminal History Background Checks  
5120                                    Equal Employment Opportunity and Non-Discrimination

5740PA1 – 2      Reduction in Force Procedures and Forms

- Legal Reference: I.C. § 33-130      Criminal History Checks for School District Employees or Applicants for Certificates  
I.C. § 33-1210      Information on Past Job Performance  
I.C. § 33-5204      Nonprofit Corporation – Liability – Insurance  
I.C. § 33-5206      Requirements and Prohibitions of a Public Charter School  
I.C. § 33-5210      Application of School Law – Accountability – Exemption from State Rules  
I.C. § 65-505      Officials to Observe Preference  
I.C. § 65-501 et seq.      Rights and Privileges of Veterans  
I.C. § 74-206      Executive Sessions—When Authorized  
IDAPA 21.01.06      Rules for the Enforcement of the Veteran’s Preference in Public Employment

IDAPA 08.02.04.300      Public Charter School Responsibilities

Policy History:

Adopted on: December 15, 2011

Revised on: December 19, 2019

Revised on: February 20, 2020



**Legacy Charter School**

**PERSONNEL**

**5100F1**

**Legacy Charter School**  
 4015 S Legacy Way  
 Nampa, ID 83686  
 208-467-0947  
 Fax: 208-467-0948

**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, Legacy Charter School must request the Applicant sign this form. Should the Applicant refuse or fail to sign this form, Legacy 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 Legacy 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 Legacy 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 Legacy 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 Legacy 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 Legacy 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, Legacy 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 Legacy Charter School for any length of time or pursuant to any additional conditions.

Policy History:

Adopted on: December 15, 2011

Revised on:

**Legacy Charter School**

**PERSONNEL**

**5100F2**

**Legacy Charter School**  
4015 S Legacy Way  
Nampa, ID 83686  
208-467-0947  
Fax: 208-467-0948

**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 Legacy Charter School. This individual has identified your School as a prior employer. Accordingly, we are requesting that you please provide to Legacy 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:

Legacy Charter School  
4015 S. Legacy Way  
Nampa, ID 83686  
admin@legacycharterschool.net

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: December 15, 2011

Revised on:

**Legacy Charter School**

**PERSONNEL**

**5100F3**

**Legacy Charter School**  
 4015 S. Legacy Way  
 Nampa, ID 83686  
 208-467-0947  
 Fax: 208-467-0948

**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, Legacy Charter School is seeking information regarding the following individual:

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

Specifically, pursuant to the above-referenced statute, Legacy 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.

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

Sincerely,

Administrator

## Legacy Charter School

### PERSONNEL

5100P1

#### 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 5100F1) and provide a list of their previous 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 each and every, current or past, in state or out of state, school district employer of the applicant along with a request for information relating to job performance and/or job related conduct (Form 5100F2).

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

3. The Charter School may follow up with current or past school district employers if the information requested has not been received within 25 days from the date the request was sent. The Charter School may hire non-certificated applicants on a non-contractual conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school district employer refuses to comply with the request. 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 district employer. The written refusal shall be kept as a part of the applicant's file. The Board directs the Executive Director to establish steps to be taken in confirming prior work experience and checking references of new employees whose former employers refuse to release documentation, and for those with no prior public school work experience.
4. The Charter School shall also request the State Department of Education provide verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (form 5100F3).
5. When such information and documentation is not received prior to screening or interviews, the Charter School will review such information no less than 30 days after it has been received. If an applicant has been offered provisional employment pursuant to I.C. 33-1210(7), the Charter School should review the documentation within ten days of receipt. If a written statement of non-employment is to be provided to the provisional employee, it shall be provided before the end of 30 days after the receipt of the documents. If the provisional employee is to be employed by the Charter School, a written contract should be provided prior to the end of the 30 day period. It is

the goal of the Charter School to avoid any situation where an applicant or provisional employee is employed by default or without a written contract.

6. 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.

Procedure History:

Adopted on: December 15, 2011

Revised on: February 20, 2020

Reviewed on:

## Legacy Charter 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 Trustee hired under the limited provisions of Section 33-507(3), Idaho Code.

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

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

**Renewable Contract Certificated Employees:** At the Charter School's sole discretion, and upon being offered a contract for a fourth full consecutive year of employment as a certificated teacher, certificated personnel may automatically renew their employment with 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 had been on a renewable contract with another Idaho charter school/school district or who has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho. Alternatively, the Charter School can place the certificated employee on a Category 3 contract. Such Category 3 placement may be for one, two, or three years.

**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, will be hired as at-will employees on a form contract approved by the Superintendent of Public Instruction for Retired Teachers or Retired Administrators.

**Interim Certificate Holder:** A certificated employee who holds an interim certificate while they pursue an alternate route to certification must complete at least nine semester credits annually toward the completion of their alternate route to certification and meet their annual progress goals toward the completion of the alternate route. The Charter School may take action to terminate or non-renew a teacher with an interim certificate who fails to meet these requirements. Such termination or non-renewal shall be carried out in accordance with State law and administrative rules and Charter School policy.



## **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 employee's 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. The contract should be in a form approved by the State Superintendent of Public Instruction.

An extra day assignment is, and supplemental extra day contracts may be issued for, an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of 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). The contract shall be in a form approved by the State Superintendent of Public Instruction.

### **Delivery of Contract**

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

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

### **Return of the Contract**

A person who receives a proposed contract from 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 Principal 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 Policy 6100	Evaluation of Certificated Personnel Principal
Legal Reference	I.C. § 33-507 I.C. § 33-513 I.C. § 33-514 I.C. § 33-514A	Limitation upon Authority of Trustees Professional Personnel Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement Issuance of Limited Contract – Category 1 Contract

I.C. § 33-515	Issuance of Renewable Contracts
I.C. § 33-515A	Supplemental Contracts
I.C. § 33-5206	Requirements and Prohibitions of a Public Charter School

Policy History:

Adopted on: December 15, 2011  
Revised on: September 15, 2016  
Revised on: December 19, 2019  
Revised on: February 20, 2020

## Legacy Charter School

### PERSONNEL

5110

#### Criminal History / Background Checks

##### General

It is the policy of Legacy 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 Legacy Charter School, could provide valuable information to the Charter School.

Where a prior conviction is discovered, Legacy 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 Legacy 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 Legacy Charter School of any arrest or criminal conviction that occurs subsequent to being hired by Legacy 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 Principal or designee upon receiving notification that an employee has been arrested or has a protection order served against him/her. Legacy 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 Legacy 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

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

### Volunteers

Any volunteer in Legacy Charter School who has regular unsupervised access to students, as determined by the Principal or the Principal'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 Principal, who shall decide whether the volunteer is suitable to be in the presence of the students in Legacy Charter School. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

### Contractors

Legacy 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:

Adopted on: December 15, 2011

Revised on:

# Legacy Charter 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 School, if the individual is otherwise qualified for the position, unless the accommodation would impose an undue hardship upon the 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 References:	5100	Hiring Process and Criteria
	5250	Certificated Staff Grievances
Legal References:	Pub. L. 99-603	Immigration Reform and Control Act of 1986
	20 U.S.C. §§ 1681 - 1682	Title IX of the Education Amendments of 1972
	29 U.S.C. § 206(d)	Equal Pay Act of 1963 -Prohibition of Sex Discrimination
	29 U.S.C. §§ 621-34	Age Discrimination in Employment Act of 1967
	29 U.S.C. § 701, <i>et seq.</i>	Section 504 of the Rehabilitation Act of 1973
	42 U.S.C. §§ 2000(e), <i>et seq.</i>	Title VII of the Civil Rights Act of 1964
U.S.C. §§ 12101, <i>et seq.</i>		Title I of the Americans with Disabilities Act of 1990 42
	29 C.F.R. Part 1601	Implementing Title VII of Civil Rights Act
	29 C.F.R. § 1604.10	Pregnancy Discrimination Act -Employment
	Policies Relating to Pregnancy and	Childbirth
	34 C.F.R. Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving

I.C. § 33-5206

I.C. § 67-5909

IDAPA 08.02.04.300

Federal Financial Assistance (Implementing  
Title IX)

Requirements and Prohibitions of a Public  
Charter School

Commission on Human Rights - Acts  
Prohibited

Public Charter School Responsibilities

Policy History:

Adopted on: December 15, 2011

Revised on: February 18, 2016

Revised on: February 20, 2020



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:

Adopted on: December 15, 2011

Revised on:

## **Legacy Charter 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:

Adopted on: December 15, 2011

Revised on:

**Legacy Charter 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 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 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 Executive Director or his or her designee to be maintained in the employee's personnel file.

Cross Reference: 5500

Personnel Files

Policy History:

Adopted on: December 15, 2011

Revised on: February 20, 2020

Revised on:

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.

Legacy Charter School will not hire full-time classified employees except in unusual circumstances and when consistent with the Harbor Method™.

Breaks

A daily morning and afternoon rest period of fifteen (15) minutes may be available to all full-time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest period for each four (4) hours that are worked in a day. Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee’s supervisor.

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

Policy History:

Adopted on: December 15, 2011

Revised on:

## Legacy Charter School

### PERSONNEL

5220

#### Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment, and transfer of position and duties by the Board, Administrator, supervisor, and/or other administrative staff member. Changes in assignment may also be made at the request of an employee. Assignment shall be based upon the qualifications of the candidate and the philosophy and needs of the Charter School.

If a change of assignment was not requested by the employee, he or she should be consulted and have an opportunity to express his or her preferences. However, the final decision on transfer or alteration of any assignment rests with the Administrator.

Teachers shall be assigned at the levels and in the subjects **that are appropriate and allowable for the certificates and endorsements they hold**. The Administrator shall provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions consistent with this policy and State law. Nothing in this policy shall prevent the reassignment of a staff member during the school year.

When the Board reassigns an administrative employee to a non-administrative position, the employee shall be entitled to an informal review.

#### **Classified Staff**

The right of assignment, reassignment, and transfer shall remain that of the Administrator. Written notice of a reassignment or involuntary transfer shall be given to 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, building, and subject area before the beginning of the school year, recognizing that such placement could change subsequent to this initial notice, including during the course of the school year.

Cross Reference:     5107            Informal Review  
                          6100-6100P   Principal  
                          6200            Charter School Organization

#### Policy History:

Adopted on: December 15, 2011

Revised on: December 19, 2019

Revised on: February 20, 2020

## Legacy Charter 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 Principal 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 Principal 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

Certificated Staff Grievances

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: December 15, 2011

Revised on: February 20, 2020

Sexual Harassment/Sexual Intimidation in the Workplace

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

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, principals 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 or her representative, if any;
3. Obtain signed statements of witnesses; and
4. Prepare a report of the investigation.

### **Confidentiality**

Due to the damage that could result to the career and reputation of any person accused falsely or in bad faith 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 coworkers 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	Certificated Staff Grievances
Legal References:	20 U.S.C. §§ 1681 - 82 42 U.S.C. § 2000(e), <i>et seq.</i> 29 C.F.R. § 1604.11 I.C. § 33-5210(3)  I.C. § 67-5909	Title IX of the Education Amendments of 1972 Title VII of the Civil Rights Act of 1964 Sexual harassment Application of School Law - Accountability - Exemption from State Rules Commission on Human Rights - Acts Prohibited

### Policy History:

Adopted on: December 15, 2011

Revised on: February 20, 2020

**Legacy Charter School**

**PERSONNEL**

**5240F**

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment

I have read and 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 Legacy Charter School.

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

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

\_\_\_\_\_  
Date

Policy History:

Adopted on: December 15, 2011

Revised on:

## **Legacy Charter School**

### **PERSONNEL**

**5250**

#### Certificated Staff Grievances

It is the 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 written Board approved Charter School policy.

#### **Grievance Procedure**

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

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall file the written grievance with their immediate building principal. The written grievance shall state:

1. The policy employee believes was 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 working days of the date of the initial event allegedly giving rise to the grievance.

The Administrator or his or her designee shall meet with the grievant and shall, at the discretion of the Administrator or designee, seek whatever additional documentation the Administrator deems appropriate, and conduct whatever additional meetings or investigative activities the Administrator or designee believes are necessary to address the grievance.

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

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

Upon receipt of a written appeal of the decision of the 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 so long as received more than three days in advance of such meeting. If such is received within three days of such meeting, the Board may schedule a Special Meeting of the Board or alternatively such matter may be placed on the agenda for the next subsequently following Board Meeting. A decision shall be made and reported in writing to all parties within 30 days of that meeting. The decision of the Board will be final.

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

Policy History:

Adopted on: December 15, 2011

Revised on: December 19, 2019

Reviewed on:

## Legacy Charter School

### PERSONNEL

5260

#### Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Directors, employees, and patrons of the Charter School. It is of particular importance that employees within the School become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding observation and reporting of suspected child abuse, child abandonment, 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, or soft tissue swelling. Abuse is further defined in I.C. 16-1602 to include 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. Abuse also includes abandonment and neglect.

"Abandoned" is defined as the failure of the parent to maintain a normal parental relationship with his or her 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 year is evidence of abandonment.

"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 with these items;*

-I.C. § 16-1602(25).

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

Employees of the Charter School shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Administrator or his or her designee, who shall also, 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 is immune from any liability, civil or criminal, that might otherwise be incurred or

imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per I.C. § 16-1606.

In addition, according to I.C. § 16-1607:

*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.*

Any 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 and if the employee is a certificated professional employee, reporting to the Professional Standards Commission for possible violation of the Code of Ethics for Idaho Professional Educators.

Legal References:	I.C. § 16-1602	Child Protective Act: Definitions
	I.C. § 16-1605	Child Protective Act: Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Child Protective Act: Immunity
	I.C. § 16-1607	Child Protective Act: Reporting in Bad Faith-Civil Damages
	I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules
	IDAPA 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: December 15, 2011

Revised on: February 20, 2020

Reviewed on:

## Legacy Charter 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 [3330 and 3340].

### 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 procedure [3295 and 3295P].

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

The Principal 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 Principal 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: February 18, 2016

Revised on:



**Legacy Charter 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:  Principal  Teacher  School Nurse  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: \_\_\_\_\_

## **Legacy Charter School**

### **PERSONNEL**

**5280**

#### Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of 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. A 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 Charter School's own network of communication.

School employees who are contacted by the media should direct such inquiries to either the individual in question or to the principal, his or her designee, or to Gayle O'Donahue.

Administrators may set forth specific rules and regulations governing an employee's conduct on the job. The Administrators may also set forth specific behavioral expectations consistent with the Harbor School Method governing an employee's conduct on the job. The cornerstone to the Harbor Method is the culture which expects all employees to model what is expected from students in terms of attitude and effort. Gossip has no place in a Harbor School.

#### Personnel Conflict of Interest

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

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

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

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

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

### Insubordinate Conduct

As the Harbor Method of instruction includes high expectations for student behavior as well as emphasized character education for students, it is critical that all the adults in the school setting model and reinforce appropriate professional interactions for our students. Accordingly, employees shall treat all Directors, Administrators, Supervisors, and colleagues in an appropriate professional manner.

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

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

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

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

Policy History:

Adopted on: December 15, 2011

Revised on: June 21, 2018

***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**

**076. 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)

**01. 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)

**02. 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)

**03. 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)

**04. 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)

**05. 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)

**06. 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)

**07. 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)

**08. 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)

**09. 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)

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

**01. 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)

**02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)

**03. 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).

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

**05. 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)

**06. 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)

**07. 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)

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

**09. 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, principal, assistant principal, 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: December 15, 2011

Revised on:

## **Legacy Charter 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: December 15, 2011

Revised on:

## Legacy Charter School

### PERSONNEL

5290

#### Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the Charter School may seek an elective office, or advocate for or against a political candidate or ballot measure, provided that the staff member does not campaign during instructional times or while they are responsible for other duties, or while they are in settings where they are likely to have contact with students; and provided all other legal requirements are met. "Ballot measure" includes, but is not limited to, bond or levy elections.

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

The Charter School shall not restrict constitutionally protected political speech of employees during non-instructional times in non-student contact settings, such as during duty-free periods in faculty break rooms and lounges during the school day or during afterschool events. Nothing in this section is intended to restrict the right of a School employee to express his or her personal constitutionally protected political views.

No Charter School employee may use for election or political campaigns, private or charitable organizations or foundations, or ballot issues any public facilities or 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.

No Charter School employee may work on election, political campaigns, ballot issues, or issues dealing with private or charitable organizations or foundations during the work day.

Legal Reference:	Pub. L. 76-252	The Hatch Act of 1939
	Id. Const. art. III, § 1	Initiatives and Referenda
	I.C. § 74-601, <i>et seq.</i>	Public Integrity in Elections Act

#### Policy History:

Adopted on: December 15, 2011

Revised on: November 15, 2018

Revised on: February 20, 2020

## **Legacy Charter 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 Legacy Charter School's desire to protect its interest with regard to its electronic records, the following rules have been established to address social media site usage by all employees:

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

Employees shall not post confidential or proprietary information about Legacy Charter School, its employees, students, agents or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the Charter School.

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

Employees shall not use Legacy Charter School logos, images, iconography, etc. on personal social media sites. Nor shall employees use Legacy Charter School name to promote a product, cause or political party or political candidate. However, BMD, Inc. and Harbor School founder Rebecca Stallcop may use the Legacy Charter School name to promote the Harbor School Method™.

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

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

#### **On Personal Sites**

If you identify yourself as Legacy Charter School employee online, it should be clear that the views expressed, posted or published are not necessarily those of the Charter School.

#### Policy History:

Adopted on: December 15, 2011

Revised on:

## **Legacy Charter 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 Legacy Charter School recommends that employees consider what could happen if a post becomes widely known or how that may reflect on the poster or Legacy 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, Legacy 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 to ensure the post will not alienate, harm or provoke any of these groups.

#### Charter School Social Media Sites

##### **Notify Legacy Charter School**

Employees that have or would like to start a social media page should contact the Administrator or designee. All Legacy 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. Principals 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 Legacy Charter School Voice**

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

Policy History:

Adopted on: December 15, 2011

Revised on:



## Legacy Charter 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 Legacy 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:

Legacy Charter School e-mail and Internet systems are intended to be used for educational purposes only. No Charter School employee may use Legacy 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 Legacy 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 Legacy 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. Legacy 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: December 15, 2011

Revised on:

**Legacy Charter 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 Legacy Charter School.

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Employee Signature

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Employee Printed Name

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Date

Policy History:

Adopted on: December 15, 2011

Revised on:

**Legacy Charter School**

**PERSONNEL**

**5330F**

Employee Electronic Mail and On-Line Services Use Policy Acknowledgment

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Employee Signature

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Employee Printed Name

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Date

Policy History:

Adopted on: December 15, 2011

Revised on:

## **Legacy Charter School**

### **PERSONNEL**

**5335**

#### Employee Use of Electronic Communications Devices

The Governing 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: December 15, 2011

Revised on:

## Legacy Charter 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 Principal is hereby directed to create procedures that differentiate between certificated non-instructional and certificated pupil instructional personnel in a way that aligns with the *Charlotte Danielson Framework for Teaching Second Edition* to the extent possible and aligns to the pupil staff's applicable national standards.

Each certificated staff member shall receive at least one 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* domains and components. The evaluation of certificated personnel shall annually include a minimum of two documented observations, one of which shall be completed prior to January 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 Principal 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 a plan for how evaluations will be used to identify proficiency and record growth over time and be used to develop individualized professional learning plans. 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 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.

The Immediate Supervisor is the employee's evaluator and is responsible for:

1. Continuously observing and evaluating an employee's job performance including a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1<sup>st</sup> of each year; (In a Harbor School, teachers are observed by their principals a *minimum* of once *weekly*. To be fair and consistent, principals will use the same Observation Record to document teacher observations);
2. Holding periodic counseling sessions with each employee to discuss job performance;
3. Completing Performance Evaluations as required; and

The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five years of conducting any evaluations.

### Written Evaluation

A written summative evaluation will be completed for each certificated employee by June 1<sup>st</sup>. 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 January 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 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.

**Student Achievement:** Instructional staff evaluation ratings must, in part, be based 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' data. Growth in student achievement may be considered as an optional measure for all other school-based and District-based staff, as determined by the Board.

**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 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 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 Principal, or the designee, for review. The supervisor will also retain a copy of the completed form.

### Rebuttals/Appeal

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

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

If the supervisor chooses to amend the evaluation as requested by the employee then the amended copy of the evaluation will be provided to, and signed by, the employee. The original amended evaluation will then be forwarded to the Principal, 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 Principal, 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 References:	I.C. § 33-1001	Foundation Program — State Aid —
	IDAPA 08.02.02.120	Apportionment – Definitions
		Local District Evaluation Policy -- Instructional Staff and Pupil Service Staff Certificate Holders.

### Policy History:

Adopted on: December 15, 2011  
Revised on: June 21, 2012  
Revised on: June 21, 2016  
Revised on: September 15, 2016  
Revised on: February 16, 2017

Revised on: June 15, 2017

Revised on: February 15, 2018

Revised on: February 20, 2020

Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with Legacy Charter School who are issued a contract and employees who are on contract should recognize that their contract with the 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 Administrator or her or his designee.

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 certified 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 Administrator 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 the Administrator 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 Administrator 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 Administrator, there is not a suitable replacement, a recommendation will be made that the Board NOT release the employee from contract.

Should any certificated employee abandon the contract of employment with the Charter School without the prior written release from the contract by the Board of Directors, the Board will report such event to the Professional Standards Commission, alleging that the certificated employee is guilty of unethical practices and has violated the Code of Ethics for Idaho Professional Educators.

## **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. The Board has delegated authority to the Administrator to accept such resignations, and the Board will subsequently be provided notice as part of the regular personnel report.

Any classified personnel who, without approval or without taking leave, does not show up for work for more than 3 consecutive days will be considered to have abandoned his or her position, and shall be deemed to have resigned.

Legal Reference(s):	IDAPA 08.02.02.076.09	Code of Ethics for Idaho Professional Educators - Principle VIII - Breach of Contract or Abandonment of Employment.
	I.C. § 72-1366	Employment Security Law - Personal Eligibility Conditions

### Policy History:

Adopted on: December 15, 2011

Revised on: February 20, 2020

Reviewed on

## Legacy Charter School

### PERSONNEL

5360

#### Dress and Appearance

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

As professionals in our schools, we realize and value the public’s perception of our roles as mentors and models for students. As a “School to Work” school we expect employees to model professional and work appropriate dress. We, therefore, set in policy the following outline of “reasonable expectations” for all professional staff.

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

#### **DRESSING UP IS ENCOURAGED**

**The following is considered an outline of acceptable dress, unless otherwise specified by the Administrator:**

#### **Males**

- Pinpoint or button-down dress shirts and necktie
- Slacks or khakis/Docker-type slacks
- Dress shoes, boots, casual shoes
- Socks
- Neckties or turtleneck with blazer
- Business suit
- Sport coat or sweater
- Blue jeans only on Community Service Day or field trip days.

#### **Females**

- Business suit
- Jumpers, dresses, skirts (appropriate fit and length) (Denim/Chambray fabric acceptable)
- Slacks or khaki/Dockers-type slacks
- Dress shoes, casual shoes, boots
- Blouses, knit shirts, cotton shirts, sweaters (moderate neckline)
- School polo style knit shirts
- Dress shorts/skorts of appropriate professional fit and length

- Knit dress pants with tunic length top
- Dress “crop slacks” that are loose fitting
- Blue jeans only on Community Service Day or field trip days

### **Inappropriate/Unacceptable Attire**

- Backless, see-through, tight fitting, or low-cut blouses/tops/dresses
- T-shirts, lycra, spandex, midriff tops, tank tops, muscle shirts
- Cut-off/Jeans shorts
- Sweatpants
- Coaching shorts, spandex (shorts or pants) of any length
- Blue Jeans
- Mini-skirts
- Jogging suits
- Denim overalls
- Apparel with offensive logos
- Visible Tattoos. Temporary and permanent tattoos must be concealed during school hours. (Medical tattoos may be allowed with approval by the administrator.)

### **EXCEPTIONS**

- Gym Teachers: Gym clothing appropriate to activity, shorts restricted to gym or outside PE areas.
- Field Trips/Field Days: Modest, appropriate to activity.
- Special Days: Holiday clothing/school spirit/thematic clothing with Administrator’s permission.
- The Administrator may grant exceptions based on job-related needs.

Any casual dress or accessories not stated above must at all times meet or exceed standards set for our students in each of their respective schools.

### **ENFORCEMENT**

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



Policy History:

Adopted on: December 15, 2011

Revised on: June 18, 2015

## Legacy Charter School

### PERSONNEL

5380

#### Professional Research and Publishing

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

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

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

Cross-reference:       4250   Educational Research

#### Policy History:

Adopted on: December 15, 2011

Revised on:

## Legacy Charter School

### PERSONNEL

5390

#### Employment Referrals and Prevention of Sexual Abuse

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

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

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

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

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

#### Policy History:

Adopted on: December 19, 2019

Revised on:

Reviewed on:

## Legacy Charter School

### PERSONNEL

5395

#### Whistleblowing

The Board of Directors expects employees of the Charter School to be trustworthy and to conduct themselves in an honorable manner, abiding by all School policies and procedures and by all applicable State and federal laws and administrative rules.

When Charter School employees know or have reasonable cause to believe that serious wrongful conduct has occurred, they should report such wrongful conduct to the Administrator or designee or his or her designee.

For the purposes of this policy, the term “wrongful conduct” shall mean:

1. Theft or misuse of Charter School funds, property, or resources;
2. Fraud;
3. Violation of federal and state laws or administrative rules; and/or
4. Material violation of School policy or procedure aimed at protecting the health and safety of staff and students.

#### Disclosure and Investigation

Employees who know or have reasonable cause to believe that wrongful conduct has occurred shall report such activity to the Administrator or designee or his or her designee. Upon receiving a report of wrongful conduct, the Administrator or designee or designee shall take immediate steps to conduct an investigation.

If the person alleged to have committed the wrongful conduct is the designee, the Administrator or designee shall conduct the investigation. If the person alleged to have committed the wrongful conduct is the Administrator or designee, the investigation shall be addressed in accordance with Policy 4120.

The Administrator or designee or designee shall maintain a written record of the allegation; conduct an investigation, refer the matter to law enforcement or other appropriate authorities, if applicable; and notify the Board of the allegation and of the results of the investigation.

The Administrator or designee or designee shall attempt to protect the identity of a whistleblower, provided that doing so does not interfere with the investigation of the allegations or with the taking corrective action.

#### Complaints of Retaliation

The Charter School shall not take adverse employment action against an employee who has notified the School of wrongdoing, allowing the School the opportunity to investigate and correct the misconduct. The School shall not take adverse action against an employee who has reported misconduct to another government agency or who has cooperated with an investigation of wrongful conduct. Likewise, School employees are prohibited from retaliating against an individual for these actions.

There shall be no adverse employment action or retaliation against an individual who refuses to carry out a directive which he or she believes constitutes a violation of state or federal law or administrative rule.

An employee who alleges they have been subject to retaliation in the form of adverse employment action may contest the action as specified in the appropriate employee grievance policy. The Charter School shall investigate any complaints of such retaliation and take immediate steps to stop any retaliation.

Charter School employees who have engaged in retaliation shall be subject to discipline, which may include dismissal.

These protections do not apply to cases in which an employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Administrator or designee shall establish any procedures necessary to implement this policy.

This policy and any related procedures may be published in employee handbooks, posted in employee lounges, and/or given to all employees on an annual basis.

Cross References:	§ 5250	Certificated Staff Grievances
	§ 5800	Classified Employment, Assignment, and Grievance
	§ 5800P	Classified Employee Grievance Procedure
Legal Reference:	I.C. § 6-2101, <i>et seq.</i>	Protection of Public Employees

Policy History:

Adopted on: April 16, 2020

Revised on:

Reviewed on:

## **Legacy Charter 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 Principal, 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 Principal's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Principal 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 Principal 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 Principal 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 Legacy Charter School in accordance with this policy and the needs of the Charter School.

Credited at the beginning of each employee’s new employment year, each employee shall be granted one (1) day of Sick Leave for each month of service in which the employee works a majority portion of that month.

1. Certified employees shall be granted Sick Leave in accordance with Legacy Charter School Policy.
2. Classified employees working twenty (20) hours or more per week shall be granted Sick Leave and other leaves in accordance with state law.
  - a. Classified employee Sick Leave shall be proportional to the work day of the classified employee.
3. 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. Legacy 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. Certificated personnel should be aware that falsifying, deliberately misrepresenting or deliberately omitting reasons for absence or leave is a violation of the Code of Ethics for Idaho Professional Educators.

#### 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 eligible for benefits who has a death in the immediate family shall be eligible for Bereavement Leave.

1. The Principal shall have the authority to give Bereavement Leave for up to two (2) days.
  - a. These two (2) days of Bereavement Leave shall be with pay. Any days in excess of the two (2) days shall be without pay, absent qualification of such leave for Sick Leave.
2. Bereavement Leave of greater than two (2) days must be approved by the Board.

#### Personal Leave (Unpaid Leave)

An employee eligible for benefits will be granted up to two (2) days of Personal Leave, without pay, only in unusual circumstances and upon recommendation of the Administrator. Upon recommendation of the Administrator, and in accordance with law and Charter School policy, classified staff may be granted Personal Leave pursuant to the following conditions:

1. Personal Leave will be without pay unless otherwise stated.
2. Personal Leave will only be granted in units of half or full days.
3. Notice of at least one (1) week is required for any Personal Leave of less than one (1) week. Notice of one (1) month is required for any Personal Leave exceeding one (1) week.
  - a. It is understood that in rare emergency situations, advance notice of the need for Personal \ Leave may not be possible. If an emergency situation arises, notice shall be provided to the school at the earliest possible opportunity.
4. The Administrator, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant Personal Leave to employees not covered by any other possible applicable leave under school policy.



5. Staff using Personal Leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

The school's Administration may decline an employee's request for unpaid Personal Leave.

#### 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.

#### Wedding of Immediate Family Members (Paid Leave)

Upon administrative approval, employees eligible for benefits will be granted up to two (2) days paid leave to attend the wedding of an immediate family member, (parent, child, sibling or grandparent).

1. Notice of at least one (1) month is required to be provided to the Administrator by an employee seeking to utilize paid leave for a wedding of immediate family member.
2. The Administrator shall notify the employee within three (3) days of receipt of the Wedding of Immediate Family Members Leave request as to whether or not the leave will be granted or denied. If denied, the Administrator shall notify the employee as to the reason for a denial.
- 3.

Should an employee not meet the above paid Wedding of Immediate Family Member provisions, an employee may request unpaid personal leave in order to attend the wedding. Whether or not Personal Leave is granted is addressed by the provisions outlined for such leave provision.

#### Student College Leave (Paid Leave)

Upon administrative approval, employees eligible for benefits will be granted up to two (2) days of paid Student College Leave only under the following circumstances.

1. The Employee is the parent of a child who was a Harbor High School graduate from Liberty Charter School or Legacy Charter School.



# LEGACY CHARTER SCHOOL

## PERSONNEL

5410

### Family and Medical Leave

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

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

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

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 26 weeks of leave in a single 12 month period to care for the service members.

FMLA leave is unpaid leave. Employees may use appropriate paid leave while on FMLA Leave. Workers Compensation absences will be designated FMLA Leave.

The Board has determined that the 12 month period during which an employee may take FMLA leave is **July 1 to June 30**.

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

Legal References:	Pub. L. 103-3	Family Medical Leave Act of 1993 (FLMA)
	Pub. L. 110-181	National Defense Authorization Act (NDAA) for FY 2008
	29 C.F.R. Part 825	Implementing the Family Medical Leave Act of 1993

### Policy History:

Adopted on: December 15, 2011

Revised on: June 20, 2013

Revised on: February 20, 2020

## Legacy Charter School

### PERSONNEL

5412

#### Jury Duty

Serving on a jury is a fundamental responsibility of citizenship, and Legacy 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: December 15, 2011

Revised on:

## **Legacy Charter School**

### **PERSONNEL**

**5413**

#### Witness for Court Appearance Leave

Legacy 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: December 15, 2011

Revised on: February 16, 2017

## Legacy Charter 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: December 15, 2011

Revised on:

## Legacy Charter 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: December 15, 2011

Revised on:



## Legacy Charter School

### PERSONNEL

5430

#### Insurance Benefits for Employees

Newly hired certificated employees will be eligible for insurance benefits offered by Legacy 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: December 15, 2011; Effective July 1, 2012

Revised on: April 19, 2012

## **Legacy Charter School**

### **PERSONNEL**

**5450**

#### Personal Days/Vacation Leave

Legacy Charter School operates on a modified year-round schedule that allows all employees opportunity to address personal needs. It does not employ 12-month classified or administrative employees. Additionally, Legacy Charter School is a “School to Work” school and recognizes that attendance by employees is essential to providing an exceptional education to its students and that employees model the importance of work attendance for students. Therefore Legacy Charter School does not provide Personal Days or Vacation leave to any of its employees.

#### Policy History:

Adopted on: December 15, 2011

Revised on:

## Legacy Charter School

### PERSONNEL

5460

#### Workers' Compensation Benefits

All employees and volunteers of Legacy 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: December 15, 2011

Revised on: September 15, 2016

## Legacy Charter School

### PERSONNEL

5470

#### Leaves of Absence - Military Leave

##### General Policy

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

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

##### Notice to Charter School

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

##### Military Leave for Training or Short Term Duty

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

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

### Completion of Military Training

Upon completion of military training, the employee shall give evidence of the satisfactory completion of such training immediately thereafter. The employee shall be restored to his or her previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

### Benefits for Uniformed Service Personnel On Active Duty

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

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

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

### Reporting to Charter School Once Military Leave is Complete

The standard military service length and reporting times are:

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

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

**181 Days or More of Military Service:** The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90<sup>th</sup> day falls on a day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.

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

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

### Disqualification from Returning to Work

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

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

### Reinstatement to Positions After Extended Duty

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

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

After an employee has been absent for thirty-one (31) days or more of military service, the Charter School may ask the employee or the employee's military unit for documentation showing that:

1. The employee submitted a timely application for reemployment;
2. The employee's length of military service has not exceeded the five year limitation; and

3. The employee's separation from the military service meets the requirement for reemployment.

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

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

Policy History:

Adopted on: June 21, 2018

Revised on:

## **Legacy Charter 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 their schools.

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.

#### **Leadership Criteria**

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

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

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



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

### **Leadership Premiums Not Funded**

In extraordinary circumstances where funds are not appropriated for Leadership Premiums, this policy is suspended until such funds are replenished by the State.

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

#### Policy History:

Adopted on: August 21, 2014

Revised on: September 15, 2016

Reviewed on: September 17, 2020

## **Legacy Charter 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 Principal, 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 Principal 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. A copy of the employee's job description signed by the employee;

10. A signed acknowledgement that the employee has received a copy of the Charter School's sexual harassment policy;
11. A signed acknowledgement that the employee has received a copy of the Charter School's email and internet use policy;
12. Documentation of additional training received, course work completed, in-services attended, etc.;
13. Documentation of fingerprints and background checks;
14. Documentation of record and/or reference checks pursuant to Idaho Code 33-1210;
15. Rebuttal documents;
16. Copies of certifications from the Office of the Superintendent of Public Instruction;
17. Transcripts of credits earned (for credit review purposes);
18. Salary schedule placement; and
19. 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 Principal 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 pay period;
  - H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
  - I. Number of hours of compensatory time earned each pay period;
  - J. Number of hours of compensatory time used each pay period; and
  - K. Number of hours of compensatory time compensated in cash, the total amount paid and the dates of such payments.

Cross 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 of 1985
	29 C.F.R. § 516.2	Employees subject to minimum wage or minimum wage and overtime provisions pursuant to section 6 or sections 6 and 7(a) of the Act.
	29 C.F.R. § 516.3	Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and sales employees employed pursuant 13(a)(1) of the Act.
outside to section	I.C. § 33-517 I.C. § 74-106	Non-Certificated Personnel Records Exempt from Disclosure – Personnel Files, etc.

Policy History:

Adopted on: December 15, 2011  
Revised on: February 18, 2016  
Revised on: February 20, 2020

## Legacy Charter School

### PERSONNEL

5500P

#### Procedures for Releasing Personnel Records to Hiring Schools

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

Cross Reference: 5100 Hiring Process and Criteria  
5500 Personnel Files

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

#### Policy History:

Adopted on: December 15, 2011

Revised on:

## Legacy Charter 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: December 15, 2011

Revised on:

## Legacy Charter School

### PERSONNEL

5710

#### Paraprofessionals, Teachers' Aides, and Paraeducators

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

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

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

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

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program to have a high school diploma or general equivalency diploma (GED) **and**:

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

It is the responsibility the Executive Director and each teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in paraeducators work and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first 30 days of employment, the supervising teacher or administrator



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

The Executive Director shall develop and implement procedures for an annual evaluation of teachers' aides and paraeducators. Evaluation results shall be a factor in future employment decisions.

**Legal Reference:**

20 USC § 6312 Local Agency Plans, as amended by ESSA of 2015  
20 USC § 6314 School Wide Programs, as amended by ESSA of 2015  
20 USC §§ 7011, 7801 Definitions, as amended by ESSA of 2015  
IDAPA 08.02.02.0007.10.a Paraprofessional.

**Policy History:**

Adopted on: December 15, 2011

Revised on: November 16, 2017

Revised on: June 21, 2018

## Legacy Charter 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 Legacy 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: December 15, 2011

Revised on:

**Legacy Charter School**

**PERSONNEL**

**5730**

**VOLUNTEER -- AUTHORIZATION TO RELEASE INFORMATION**

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am seeking a volunteer assignment with Legacy Charter School. I acknowledge that a complete investigation into my background is necessary to protect the safety and welfare of the children in Legacy Charter School. I hereby expressly and voluntarily give Legacy Charter School the right to make a thorough investigation of my past employment, education, and activities. I understand that Legacy 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 \_\_\_\_\_

## Legacy Charter 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: December 15, 2011

Revised on: