## ***Goals***

The Board believes that the District's most valued resource is its people, and, therefore, establishes the following goals:

- The District places recruitment and retention of quality employees among its highest priorities.
- District employees benefit from and contribute to a working/learning environment of support, respect, responsibility, teamwork, equity, high expectations, accountability, and being valued.
- The District supports career and professional development opportunities for employees in order to enhance student success and to promote the goal of lifelong learning for each employee.
- Employees experience and support working/learning conditions which are safe, equitable, and free of discrimination, violence and disruption with well maintained and appropriately equipped facilities.
- The District's organizational structure maximizes resources in support of students.
- Every person employed by the District shares a role in helping all students to reach their educational potential and become contributing citizens.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: _____
1/9/12 – 4/9/15

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## ***Background Checks***

The Board believes that the District must have ethical, effective and efficient employees in order to serve and protect District students, employees, and the public. The Board delegates to the Superintendent or designee the right to terminate or decline the employment or volunteer services of an individual whose criminal background check reveals a criminal conviction or withheld judgment or, failure to disclose a criminal conviction or withheld judgment, including, but not limited to, a felony or misdemeanor.

Consideration will include, but not be limited to, the ability to meet the requirements of the job, and the safety of students and staff.

For this purpose, the Superintendent or designee shall conduct or require criminal background checks on all new employees and unsupervised volunteers, substitute teachers or student teachers as required by law.

The Board grants approval to the Administration to charge fees for finger printing/criminal records.

| Adopted: | Reviewed: | Revised: |
|---|---|---|
| 8/01/00 | 8/11/03 -- 2/16/09 | 8/11/03 |
| | 1/9/12 – 4/9/15 | 7/1/09 (3/9/09) |
| | | 7/1/15 (6/8/15) |

Legal Ref: IC 33-130

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## ***Employment Contracts***

The District shall contract annually with each certificated staff member. Such contract shall be in conformity with state law and the policies and negotiated agreements of the District. The contract shall be binding on the District and on the staff member and may not be abridged or abrogated during its term by either party except by mutual consent or as may be provided elsewhere in state law, Board policy or negotiated agreements.

The contracts for certificated staff shall be written for a period not to exceed one year, without Board Approval.

In most cases, classified staff shall be employed on an at-will basis commencing from the first day of work.

**DEFINITION**

**At-Will:** both the employee and the District remain free to terminate the employment relationship at any time, for any reason, with or without cause.

| Adopted: | Reviewed: | Revised: |
|---|---|---|
| 8/01/00 | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | 8/11/03<br>7/1/09 (3/9/09)<br>7/1/12 (3/12/13) |

Legal Reference: IC 33-513

Handbook Reference: Master Contract Between the Boise School District and the Boise Education Association
Classified Employee Handbook

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## ***Certification***

Except in extenuating circumstances, certificated staff hired by the District are required to hold a current Idaho certificate, valid for the service being rendered.

Failure to provide an original, valid, current Idaho teaching certificate prior to the beginning of his/her work year may result in long term substitute pay and/or disciplinary action up to and including termination of employment.

| Adopted: | 8/01/00 | Reviewed: | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | Revised: | 8/11/03<br>7/1/09 (3/9/09) |
|---|---|---|---|---|---|

Legal Reference:
IC 33-513
IC 33-1201
IC 33-1202
IC 33-1203
IC 33-1207
IC 33-1213

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## ***Salary Schedule Placement***

After full state certification, only accredited college/university credits approved by the District shall apply for placement and advancement on the District certified salary schedules(s). Salary schedule placement is subject to the terms and conditions of the Master Contract between the Boise School District and the Boise Education Association.

All certified employees are required to submit original official transcripts from an accredited college/university. The District recognizes the American Council of Education's guide, *Accredited Institutions of Postsecondary Education (AIPE)*, as the District approved list of accredited college/universities.

| | | | | | |
|---|---|---|---|---|---|
| Adopted: | 8/01/00 | Reviewed: | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | Revised: | 8/11/03<br>7/1/09 (3/9/09)<br>7/1/12 (3/12/12)<br>7/1/15 (6/8/15) |

Legal Reference IC 33-1004 *et.seq.*

Handbook Reference: Master Contract Between the Boise School District and the Boise Education Association

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## ***Substitute Teacher***

The Board requires all substitute teachers to have a minimum of a bachelor's degree and to meet state requirements for criminal background checks.

In extenuating circumstances the Superintendent or designee may waive the education requirements for substitute teachers and/or change the amount that all substitute teachers are paid.

| Adopted: | 8/01/00 | Reviewed: | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | Revised: | 8/11/03<br>7/1/09 (3/9/09) |
|---|---|---|---|---|---|

Cross Reference Background Checks #5111

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## ***District Vehicle Driver***

All-drivers of District vehicles shall observe all federal and state statutes, administrative rules and District policy and procedures governing traffic safety and vehicle operation.

Each driver shall meet the qualifications established by the state, the District, the District's insurability requirements and the District's Vehicle Use Agreement.

*Commercial Drivers License (CDL)*

District employees who are required to hold and maintain a Commercial Driver License (CDL) based on duties performed shall comply with the District's Commercial Driver's License Drug and Alcohol Testing Program and all Federal and State Department of Transportation administrative rules and procedures.

| Adopted | 3/10/08 | Reviewed | 2/16/09 -- 1/9/12<br>1/9/12 – 4/9/15 | Revised | 7/1/09 (3/9/09)<br>7/1/12 (3/12/12) |
|---|---|---|---|---|---|

Legal Reference: Omnibus Transportation Testing Act of 1991
PL 102-143; 49 CFR part 40 and 382
IC 49-301 et seq.

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## ***Code of Ethics for Idaho Professional Educators***

The Board is committed to the Code of Ethics of the Idaho Teaching Profession which is recommended by the Professional Standards Commission and adopted by the State Board of Education. Allegations brought to the attention of the District's administrative staff will be fully investigated by the Superintendent or designee. If it is determined that a certificated employee violated the principles of the Code of Ethics, the District shall file a complaint with the Professional Standards Commission and may initiate District disciplinary action up to and including dismissal of the certificated employee.

If a District employee is dismissed, resigns, or is otherwise severed from employment for reasons that could constitute grounds for revocation, suspension or denial of a certificate, the Superintendent or designee will, within ten (10) days of the action, report to the State Department of Education the circumstances and name of the educator.

| Adopted: | Reviewed: | Revised: |
|---|---|---|
| 8/01/00 | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | 8/11/03<br>7/1/10(1/11/10) |

Cross Reference: Code of Ethics of Idaho Teaching Profession Exhibit #5200E
Grounds for Revocation of a Certificate #5201

Legal Reference: IC 33-1208
IC 33-1208A
IC 33-1209

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# ***Code Of Ethics For Idaho Professional Educators***

## Preamble

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.

## Aspirations and Commitments

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.

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 goals and potential as an effective citizen.

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 cultures and beliefs.

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.

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.

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.

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**Principle I.** Professional Conduct -A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code.

**Principle II. Educator/Student Relationship** - A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to:

a. Committing any act of child abuse, including physical or emotional abuse;
b. Committing any act of cruelty to children or any act of child endangerment;
c. Committing or soliciting any sexual act from any minor or any student regardless of age;
d. Committing any act of harassment as defined by district policy;
e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age;
f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases);
g. Taking or possessing inappropriate images (digital, photographic, or video) of students;
h. Inappropriate contact with any minor or any student regardless of age using electronic media;
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;
j. Conduct that is detrimental to the health or welfare of students; and
k. Deliberately falsifying information presented to students.

**Principle III. Alcohol and Drugs Use or Possession** - 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:

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;
b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol;
c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away;
d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and

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e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances.

**Principle IV. Professional Integrity** - A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to:

a. Fraudulently altering or preparing materials for licensure or employment;
b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure;
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;
d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification;
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.);
f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves;
g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation;
h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and
i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification.

**Principle V. Funds and Property** - 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:

a. Misuse, or unauthorized use, of public or school-related funds or property;
b. Failure to account for school funds collected from students, parents, or patrons;
c. Submission of fraudulent requests for reimbursement of expenses or for pay;
d. Co-mingling of public or school-related funds in personal bank account(s);
e. Use of school property for private financial gain;
f. Use of school computers to deliberately view or print pornography; and,

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g. Deliberate use of poor budgeting or accounting practices.

**Principle VI – Compensation** - 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:

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit;
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;
c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and,
d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars ($50) as defined in Section 18- 1359(b), Idaho Code.

**Principle VII**. **Confidentiality** - 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:

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
b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities.

**Principle VIII**. **Breach of Contract or Abandonment of Employment** - 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:

a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;
b. Willfully refusing to perform the services required by a contract; and,
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.

**Principle IX. Duty to Report** - 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:

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a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity);
b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect);
c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and
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.

**Principle X. Professionalism** - 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:

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties;
b. Committing any act of harassment toward a colleague;
c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings;
d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections;
e. Willfully interfering with the free participation of colleagues in professional associations; and
f. Taking or possessing inappropriate images (digital, photographic or video) of colleagues.

## DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS

**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.

**Allegation** - A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code.

**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).

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**Certificate Denial** - The refusal of the State to grant a certificate for an initial or reinstatement application.

**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.

**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.

**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).

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

**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.

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

**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).

**Executive 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.

**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.

**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.

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

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**Minor**. Any individual who is under eighteen (18) years of age.

**Not-Sufficient Grounds** - A determination by the Executive Committee that there is not-sufficient evidence to take action against an educator's certificate.

**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.

**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.

**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.

**Revocation** - The invalidation of any Certificate held by the educator.

**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.

**Student** - Any individual enrolled in any Idaho public or private school from preschool through grade 12.

**Sufficient Grounds** - A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint.

## RELATED STATUTES

For information concerning statutes pertinent to allegations of violations of state statute and/or the Code of Ethics for Idaho Professional Educators, please visit the Certification/Professional Standards website below:

*www.sde.idaho.gov/site/teacher_certification/code_ethics.htm*

**Idaho Code 33-1208**. Revocation, suspension, denial, or **place reasonable conditions on certificate - Grounds.**

(1) "The state board of education may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds: …" (Refer to web site)

(2) "The state board of education shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child …" (Refer to web site)

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**Idaho Code 33-1209**. Proceedings to revoke, suspend, deny or place reasonable conditions on a certificate—Letters of Reprimand—Complaint—Subpoena Power—Hearing.

This statute addresses who may and how a complaint must be filed; who has the authority to investigate; and how a due process hearing will be conducted.

Who may file a complaint?

- An individual with a substantial interest in the matter;
- A board of trustees; or,
- The Idaho Chief Certification Officer.

**NOTE**: A student in an Idaho public school **may not** file.

A complaint must be written and signed by the complainant stating the specific grounds for the allegation.

Upon receiving the written complaint, the Chief Certification Officer and Deputy Attorney General will review the complaint to determine if an investigation will be conducted.

The Executive Committee of the PSC will review the evidence of a completed investigation to determine if action is to be considered against an educator's certificate/license.

Subsequent to a recommendation from the Executive Committee, an Administrative Complaint is filed by Idaho's Chief Certification Officer. The educator may request a due process hearing

## NASDTEC CLEARINGHOUSE

The National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse is a searchable database of the 50 state jurisdictions. This database contains information regarding professional educators where action was taken against their certificates/licenses. Action includes suspension, denial or revocation.

The state of Idaho notifies the NASDTEC Clearinghouse when it has adjudicated a case with a certificate revocation, denial, or suspension.

| | |
|---|---|
| Revision Date | 6/10/14 |
| Legal References: | IC 33-513<br>IC 33-1201<br>IC 33-1208(1)(j)<br>IC 33-1208A<br>IC 33-1209<br>IDAPA 08.02.02.001 |

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## ***Grounds for Revocation of a Certificate***

The District may terminate a contract with a certificated employee who has been found to have violated Idaho Code Section 33-1208.1. The District shall terminate a contract with a certificated employee who has been found to have violated Idaho Code Section 33-1208.2.

The Professional Standards Commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section I.C. 33-1201 upon any of the following grounds:

1. Gross neglect of duty;
2. Incompetency;
3. Breach of teaching contract;
4. Making any material statement of fact in the application for a certificate which the applicant knows to be false;
5. Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
6. Conviction, finding of guilt, withheld judgment, or suspended sentence in this or any other state of a crime involving moral turpitude;
7. Conviction, finding of guilt, withheld judgment or suspended sentence in this or any other state for the delivery, manufacture or production of controlled substances or simulated controlled substances as those terms are defined in Idaho Code, 33-2701;
8. A guilty plea or a funding of guilt, notwithstanding the form of the judgment or withheld judgment in this or any other state, of the crime of involuntary manslaughter, section 18-4006.2 or section 18-4006.3, Idaho Code;
9. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
10. Willful violation of any professional code or standards of ethics or conduct as adopted by the State Board of Education;
11. The kidnapping of a child, section 18-4503, Idaho Code; or
12. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.

The Professional Standards Commission shall permanently revoke any certificate issued or authorized under the provision of section 33-1201, IC, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of judgment of withheld judgment, and of the following felony offenses against a child.:

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1. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.
2. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.
3. The injury of death of a child, section 18-1501, Idaho Code.
4. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
5. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
6. The sexual exploitation of a child, section 18-1507, Idaho Code.
7. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
8. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.
9. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
10. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006.1, Idaho Code.
11. The kidnapping of a child, section 18-4502, Idaho Code.
12. The importation of exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.
13. The abduction of a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.
14. The rape of a child, section 18-6101 or 18-6108, Idaho Code.

| Adopted: | Reviewed: | Revised: |
|---|---|---|
| 8/01/00 | 8/11/03 -- 7/12/04 | 7/12/04 |
| | 2/16/09 -- 1/9/12 | 7/1/09 (3/9/09) |
| | 4/9/15 | 7/1/15 (6/8/15) |

Cross Reference: Code of Ethics #5200, #5200E

Legal Reference:

| | |
|---|---|
| IC 18-905 | IC 18-4006,1,2,3 |
| IC 18-907 | IC 18-4502 |
| IC 18-909 | IC 18-4503 |
| IC 18-911 | IC 18-5601 |
| IC 18-1501 | IC 18-5610 |
| IC 18-1506 | IC 18-6101 |
| IC 18-1507 | IC 18-6108 |
| IC 18-1508 | IC 33-1208 |
| IC 18-1509A | IC 33-2701 |
| IC 18-1511 | |
| IC 18-4003 | |

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## ***Administrative Leave***

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

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

The Superintendent or designee shall have the authority to suspend with pay the employee pending the next regularly scheduled Board meeting or twenty-one (21) business days, whichever comes first. The Board reserves the right to continue or discontinue the administrative leave with pay.

Should a court order prevent an employee from being in the presence of minor students, or other adult individuals at school, or detained in prison or jail the District shall place said employee on a period of unpaid leave of absence or probation.

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

| Adopted: | 2/26/07 | Reviewed: | 2/16/09 – 1/9/12<br>4/9/15 | Revised: | 7/1/12 (3/12/12)<br>7/1/15 (6/8/15) |
|---|---|---|---|---|---|

Cross-Reference: Code of Ethics for Idaho Professional Educators #5200 & #5200E

Legal Reference: IC 33-315

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## ***Staff Involvement in Decision Making***

The Board encourages employee collaboration and participation in District or building decisions including policy and procedure, school improvement goals and professional learning communities.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: 7/1/09 (3/9/09) 7/1/15

Cross Reference:
Policy Development #1320
Audience Participation at Regular Board Meeting #1441
Board Agenda Items #1470
School Improvement Program #2410

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## ***Employee Dress Code***

Employee clothing and grooming shall be appropriate, shall not be immodest, and shall not be a disruption or interference to the educational process when the employee is on any school premises or at any school sponsored activities, regardless of location.

Discipline for violation of this policy may involve actions up to and including dismissal.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: _____
1/9/12 – 4/9/15

Cross Reference: Student Dress Code #3223

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## ***Employee or Public Use of Drugs or Alcohol***

*Drug Use*
An employee or visitor is in violation of District policy if he/she is involved with drug paraphernalia, controlled substances, or drugs, on District premises or at a District sponsored activity, regardless of location, including, on his/her person; in his/her vehicle; or among the employee's or visitor's other property, in any of the following ways:

1. unlawfully manufacturing;
2. attempting to secure or purchase;
3. using or being under the influence;
4. possessing;
5. intending or attempting to sell or distribute;
6. selling or giving away; or
7. being knowingly present when any of the above are used, possessed, or consumed.

Any District employee charged with a criminal drug statute must notify the District within five (5) days.

A report of a criminal drug statute conviction for a violation occurring on any District premises or at any District sponsored activity, regardless of location shall be made to the appropriate government agencies within ten (10) day of receiving notice of the conviction pursuant to the Drug Free Workplace mandates.

*Alcohol Use*
No employee or visitor shall unlawfully manufacture, distribute, dispense, use or be under the influence of any alcohol on District premises or at any District sponsored activity regardless of location.

*Prescription Medications Use*
The Board encourages employees, who are under the treatment of a physician and who must bring prescription medications to the workplace that may adversely affect their ability to perform their work in a safe manner to report such use to their immediate supervisor or school nurse. All medications must be in the original container and bear the names of the medication, the physician and the employee.

*Discipline for violation of this policy*:

1. for an employee, may involve actions up to and including dismissal. The employee may also be required, at their own expense, to successfully complete an appropriate drug or alcohol abuse rehabilitation program; and/or submit to a drug and/or alcohol test prior to returning to duty.

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2. for a visitor, may involve actions up to and including future prohibition from entering District premises or attending District sponsored activity, regardless of location.

The Superintendent or designee shall report violations to the appropriate law enforcement agency when the circumstances warrant such action.

A report of a criminal drug statute conviction for a violation occurring in the workplace shall be made to the federal agency with whom a contract has been entered into. The District shall make the report within ten (10) days of receiving notice of the conviction pursuant to the Drug Free Workplace mandates.

*Reasonable Suspicion*
The District may request a District employee to undergo alcohol or drug testing by a qualified medical provider who has been approved by the District to provide drug and alcohol testing and/or by an SRO at District expense and on District time if there is reasonable suspicion that the employee is under the influence of alcohol or illegal drugs arising during, just preceding or just after the employee's duty time. Prior to testing, all persons to be tested are required to complete and sign the Employee Consent Form and a statement allowing the hospital/physician/SRO to release medical information to the District. There shall be no random testing except for employees who hold a commercial driver's license. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- abnormal or erratic behavior;
- information provided by a reliable and credible source with personal knowledge;
- direct observation of alcohol or drug use or consumption of products that have similar effects as alcohol or drugs;
- presence of the physical symptoms of consumption or use, i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination, and/or reflexes, abrupt swings in mood or energy level, or excessive irritability and emotional outbursts;
- possession of alcohol or illegal drugs in the work place; or
- involvement is a work-related accident or incident, excessive absenteeism, severe and prolonged reduction in productivity or performance

An employee refusing to submit to an alcohol or drug test will be subject to the consequences of a positive test. A refusal is defined as a verbal refusal, failure to execute the consent form, abusive language to the supervisor or personnel performing the test, or tampering with any sample, container, equipment or documentation of the sampling process. No employee shall report for duty or remain on duty after testing positive for alcohol or drugs, until cleared to return by the District.

A positive test will subject the employee to the disciplinary action up to and including dismissal.

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When the District has reasonable grounds to suspect that an employee has violated the District Drug and Alcohol policy, the District reserves the right to inspect the employee's locker, desk, or other District property under the control of the employee.

*Drug-Free Awareness Program*
Pursuant to the Drug-Free Workplace Act, the District will establish a drug-free awareness program to inform employees of: 1) the dangers of drug abuse in the workplace; 2) the District's policy of maintaining a drug-free workplace; 3) any available drug counseling, rehabilitation, and employee assistance programs; and 4) the penalties that may be imposed upon employees for drug use violations. As appropriate, drug-free awareness information will be disseminated to employees via in-service programs and/or published in the employee handbook.

*Testing Requirement for Commercial Drivers Licenses (CDL's)*

To meet requirements of the U.S. Department of Transportation (DOT), the District has established a drug and alcohol testing program for its employees who are drivers of its commercial motor vehicles requiring commercial driver's licenses (CDL's), and who perform safety-sensitive functions, e.g. operate vehicles requiring the display of hazardous material placards. This program requires pre-employment drug testing as well as Department of Transportation (DOT) mandated random testing of current employees who are required to have CDL's.

Upon adoption of this policy or initial employment with the District, all employees will receive a copy of this policy.

## DEFINITIONS

**Drug paraphernalia:** all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or drug as defined in this policy.

**Controlled substances:** defined in 21 USC Section 812 and include, but are not limited to opiates, opium derivatives, hallucinogenic substances, including cocaine, and cannabis and synthetic equivalents of the substances contained in the plant, any material, compound, mixture or preparation with substances having a depressant effect on the central nervous system, and stimulants.

**Conviction:** a finding of guilt including a plea of nolo contendere, or imposition of a sentence or both by a judicial body charged with responsibility to determine violations of state or federal criminal drug statutes.

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**Drugs:** any alcohol or malt beverage, any inhalant, any controlled substance, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication not approved and registered by the school authorities and/or any substance whose use is intended to alter mood, and/or any substance which is represented and sold or distributed as a restricted or illegal drug, even if the substance is not what it is represented to be.

**On any District premises or at any District sponsored activity, regardless of location:** shall include, but not be limited to buildings, facilities, and grounds, District campus, school busses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

| Adopted: | 6/01/98 | Reviewed: | 8/11/03 -- 6/13/05<br>2/16/09 – 1/9/12<br>4/9/15 | Revised: | 8/20/00<br>7/09/01 (3/12/01)<br>8/11/03<br>7/01/05 (6/13/05)<br>7/1/12 (3/12/12) |
|---|---|---|---|---|---|

Cross-Reference: Drug, Alcohol, and Tobacco Use #3233, #3233BP
District Vehicle Driver #5117

Legal Reference: IC 37-2739B(b)(2)
US Code: Title 41, Section 702
41 USC Section 702, *et seq.*-Drug-Free workplace Act

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## ***Smoking and/or Tobacco Use on District Property***

In compliance with State law and State Board of Education resolution, smoking is prohibited in all buildings and on all property owned or leased by Boise School District in Idaho. In addition, all tobacco products, herbal or other plant based products, as well as electronic smoking devices and/or vapor based products, are prohibited on any Boise School District property.

An employee who violates this policy may receive disciplinary action up to and including termination.

Any person other than an employee who violates this policy will be asked to comply with the policy or to leave.

**DEFINITIONS**

**Electronic Smoking Device**: means any oral device that provides a vapor of liquid nicotine and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

**Smoking:** means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

**On District premises or at any District sponsored activity, regardless of location:** shall include, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

**Tobacco product:** means any products containing, made, or derived from tobacco, herbal or other plant based products that are intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

| Adopted: | 6/01/98 | Reviewed: | 8/11/03 -- 2/16/09<br>1/9/12 – 10/9/13<br>4/9/15 | Revised: | 8/01/00<br>7/1/09 (3/9/09)<br>10/14/13<br>7/1/15 (6/8/15) |
|---|---|---|---|---|---|

Cross-Reference: Drug, Alcohol, and Tobacco Use #3233

Legal Reference: State Board of Education Resolution, March 18, 1994
IC 39-5501, *et.seq.*

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## ***Employee or Public Use of Weapons***

The Board is committed to providing a safe and secure environment for all students, staff and visitors in order to maximize learning opportunities. While the Board cannot guarantee elimination of all safety threats, it directs the administration to implement policies and procedures which are designed to reduce and minimize the safety risks.

The Board has no tolerance for individuals who use, threaten to use, possess or bring a firearm, destructive device, weapon, dangerous instrument, explosive, or look-alike weapon on any District premises, or at any District sponsored activity, regardless of location, or store them in their personal vehicle on school campuses or for individuals who assist others in doing any of the above. For the purposes of this policy, no tolerance means that consequences will occur if this policy is violated, and that the consequences will be commensurate with the circumstances of each situation.

The Board delegates authority to the Superintendent, principal, or designee to determine when exceptions will be made and permission will be given for an individual or a group to bring any of the weapons listed above to school. Such permission will be based on a determination by the Superintendent, principal, or designee that the circumstances do not constitute a threat and/or disruption to the health, safety, and/or educational process of other individuals, and that adequate safeguards are in place.

*Discipline*
The Superintendent, principal or designee has the authority to determine the threat and/or potential disruptiveness to the health, safety, and/or educational process by an individual or group.
Discipline for violation of this policy:

1. an employee may receive disciplinary action up to and including termination.
2. a person other than an employee may be prohibited from entering District premises or attending any District sponsored activity, regardless of location.

The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the circumstances warrant such action.

**DEFINITIONS**
**Dangerous Instrument:** anything that, although not specifically designed to hurt someone, is used to cause injury or to put someone in fear. Examples include belts, combs, writing utensils, compasses, chains, etc. Such items should be considered dangerous instruments when they are used to cause injury or to put someone in fear.

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**Destructive Device:**

1. any explosive, incendiary, or poison gas: a) bomb, b)grenade, c)rocket having a propellant charge of more than four ounces, d)missile having an explosive or incendiary charge of more than one-quarter ounce, e)mine, f)device similar to any of the devices described in the preceding clauses.
2. any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.
3. The definition of a destructive device shall not include:
    a) a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purpose;
    b) a rifle or antique firearm which the owner intends to use solely for sporting, recreational or cultural purposes; or
    c) any device which is neither designed nor redesigned for use as a weapon.

**Explosive:** any substance or item other than a destructive device (as defined in above) that can potentially generate a release of mechanical or chemical energy. Examples include firecrackers, cherry bombs, gun shells, bottle bombs, etc.

**Firearm:**

1. is any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
2. is the frame or receiver of any such weapon;
3. is any firearm muffler or firearm silencer; or
4. is any destructive device.

**Look-Alike Weapon:** objects which closely resemble a weapon or explosive and could put persons in fear for their safety. Examples include, toy guns, smoke bombs, etc.

**On any District premises or at any District sponsored activity, regardless of location:** shall include, but not be limited to buildings, facilities, and grounds on the District campus, school busses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a school related activity.

**Weapon:** anything that is commonly designed or may be used to cause injury or to put someone in fear. Examples of "weapons" include pocket knives, pellet guns, clubs, razor blades, chemical irritants, antique firearms, shotguns or rifles, regardless of whether the owner intends to use the items solely for sporting, recreational or cultural purposes.

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| Adopted: | 6/01/98 | Reviewed: | 8/11/03 -- 6/13/05<br>2/16/09 -- 1/9/12<br>4/9/15 | Revised: | 8/10/00<br>7/09/01(3/12/01)<br>7/01/05 (6/13/05)<br>7/1/09 (3/9/09) |
|---|---|---|---|---|---|

Cross-Reference: Weapons #3236

Legal Reference: I.C. 18-3302D
I.C. 33-512 (11)
I.C. 18-3302C

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## ***Disruptive Employee or Public Conduct***

The Board has the power and duty to prohibit entrance, to prohibit loitering, and to provide for the removal from any District premise or any District sponsored activity, regardless of location, of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning, or discipline of the students or other individuals.

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

- any conduct intended to, or having the effect of, obstructing, disrupting, or interfering with teaching, service, administrative disciplinary functions, or any school sponsored activity;
- any incident of violence (either actual or threatened), such as assault, battery, vandalism, arson, or sabotage;
- sexual harassment of any person; and,
- forceful or unauthorized entry to or occupation of school facilities or the facilities of a school authorized activity.

Any conduct that is reasonably suspected to be a crime or incident that did or may compromise the safety and security of the work environment shall be reported immediately to the employee's supervisor, Superintendent or designee.

The Board authorizes the site administrator or designee to implement this policy and determine whether the conduct of an employee or any other person is disruptive to the educational program. The principal or site administrator is authorized to take immediate action necessary to prevent the disruptive conduct and/or remove the disruptive individual from District property, including, but not limited to seeking assistance from local law enforcement.

**If determined to be appropriate by the Superintendent or designee, and the offender is:**

1 an employee, discipline may involve actions up to and including termination.

2 any person other than an employee, discipline may involve actions up to and including prohibition from entering District premises or attending any District sponsored activity, regardless of location.

The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the circumstances warrant such action.

**DEFINITIONS**

**On District premises or at any District sponsored activity, regardless of location:** shall include, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes

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instances in which the conduct occurs off the District premises but impacts a District-related activity.

| Adopted | 6/01/98 | Reviewed: | 8/11/03 -- 6/13/05 | Revised: | 8/10/00 |
|---|---|---|---|---|---|
| | | | 2/16/09 -- 1/9/12 | | 7/09/01(3/12/01) |
| | | | 4/9/15 | | 8/11/03 |
| | | | | | 7/01/05(6/13/05) |
| | | | | | 7/1/09 (3/9/09) |

Cross Reference
Bullying, Hazing and Harassment #3231
Sexual Harassment - , #3232
Assault and/or Battery #3237
Abuse of Property #3238
Technology Use #3239
Corporal Punishment #3270
Child Abuse #3330
Employee or Public Use of Drugs or Alcohol #5231
Employee or Public Smoking #5232
Employee or Public Use of Weapons # 5233

Legal References:
IC 33-512
IC 33-512 (4)(11)

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## ***Employee Technology Use***

The Board believes a comprehensive technology program is an essential component of a successful school system. The District's technology program of resources and services shall serve the following purposes:

- Provide consistent access to effective learning opportunities by providing infrastructure needed to create an effective educational environment that incorporates technology integration;
- Instruct students in responsible use of technology digital citizenship, and technology skills necessary for college, career and citizenship;
- Continuously improve teacher capabilities;
- Contribute to the delivery of efficient and effective business or educational functions;
- Expedite professional communication of District personnel.

The District's technology program is not established as a public access or a public forum. The use of the District's technology is a privilege and not a right. All materials, messages or communications composed, sent or received remain the property of the District. School officials may supervise, monitor and delete any materials. Any such communication is subject to public scrutiny.

The Superintendent or designee shall maintain procedures to:

- implement and enforce District technology policies;
- handle complaints about such enforcement;
- remove a user's files without prior notice after an account has been inactive for a specified period of time; and
- establish the period of time for archiving District e-mails and the storage of electronic material.

*Employee Rights and Responsibilities*

Employees must use District technology in a professional, legal and responsible manner. Use of District technology for personal business shall be kept to a minimum and shall conform to District policy/procedure and state and federal laws and regulations.

Under normal circumstances, electronic communication with students and patrons should be performed on the District communication system.

When acting within the capacity of a District employee, communication from any location and using any type of equipment, owned by the District or otherwise, must reflect professional integrity and responsibility and not have an adverse effect on students or on the performance of an employee's duties for the District.

District e-mail addresses shall not be linked to personal/social networking accounts and social websites unless authorized by the superintendent and designee.

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The use of student information, pictures or other protected information during electronic communication must conform to District policy/procedures and state and federal laws and regulations.

*Prohibited Uses*
The technology system should only be used for approved District activities and educational purposes. Prohibited uses of District technology include, but are not limited to:

1. Causing Harm to Individuals or to Property
    a. Use of obscene, profane, vulgar, inflammatory, abusive, threatening, disrespectful language or images
    b. Making offensive, damaging, or false statements about others
    c. Posting or printing information that could cause danger or disruption
    d. Bullying, hazing or harassing another person
    e. Deleting, copying, modifying, or forging other users' names, e-mails, files, or data
    f. Disguising one's identity, impersonating other users, or sending an anonymous e-mail
    g. Posting personal information (e.g. phone number, address) about oneself or any other person, except to responsible agencies
2. Engaging in Illegal Activities
    a. Participating in the sale, purchase or promotion of illegal items or substances
    b. Accessing or transmitting:
        - Pornography of any kind
        - Obscene depictions
        - Harmful materials
        - Materials that encourage others to violate the law
        - Confidential information
        - Copyrighted materials without authorization or as provided by fair use regulations
    c. Attempting to disrupt the computer system or destroy data by any means
3. Breaching System Security
    a. Sharing one's or another person's password with others
    b. Entering another person's account or accessing another person's files without authorization
    c. Allowing others to gain access to one's individual account
    d. Interfering with other users' ability to access their accounts
    e. Allowing student access to sensitive data
    f. Attempting to gain unauthorized access to another computer
    g. Using software or hardware tools designed to interfere with or bypass security mechanisms
    h. Utilizing software or hardware applications that are not approved for business use
    i. Attempting to evade the District's computer filtering software

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4. Improper Use or Care of Technology
    a. Accessing, transmitting or downloading large files, including posting chain letters or engaging in spamming
    b. Attempting to harm or damage District technology, files or data in any way
    c. Alteration of configured equipment, including the addition of unauthorized passwords and user accounts.
    d. Leaving an account open or unattended
    e. Attempting to remedy a security problem and not informing a school official
    f. Failing to report the abuse of District technology
    g. Installing, uploading or downloading unauthorized programs
    h. Copying District software for personal use
    i. Using District technology for:
        - Personal financial gain
        - Personal advertising or promotion
        - For-Profit business activities
        - Unapproved fundraising
        - Inappropriate Public relations activities such as solicitation for religious purposes
        - Inappropriate political purposes

*District Rights and Responsibilities*

1. The District reserves the right to block any material on the internet.
2. The District may deny technology access to any staff.
3. Technology security shall be a high priority.

*Discipline*

Discipline for violations of this policy occurring on any District premises or at any District sponsored activity, regardless of location may involve actions up to and including dismissal.

The Superintendent or designee shall submit the violation to the appropriate law enforcement agency when the circumstances warrant such action.

**DEFINITIONS;**

**On District premises or at any District sponsored activity, regardless of location**: shall include, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises, but impacts a District-related activity.

Adopted: 8/9/10 Reviewed: 1/9/12 4/9/15 Revised: 7/1/15 (6/8/15)

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Cross-Reference:
Student Curriculum Requirements (K-12) #2110
Exemptions from Portions of Curriculum #2111
Internet Filtering #2513
Request for Reconsideration of a Website #2514,
Bullying, Hazing and Harassment #3231
Sexual Harassment #3232
Abuse of District Property #3238
Copying Materials #3242
Cheating #3243
Code of Ethics of the Idaho Teaching Profession #5200, #5200E
Disruptive Employee or Public Conduct #5234
Non-School Employment and Activities #5250
Employee Conflict of Interest #5252

Legal Reference:
7 USC Section 101 *et seq*.
IC 6-210
IC 18-1514
IC 18-2201
IC 18-2202
IC 33-131
PL 106-554 Children's Internet Protection Act (CIPA)

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## ***Use of Cell Phones or Other Electronic Devices by District Employees***

The Board recognizes the utility of cell phones and other electronic devices, as well as their potential for disruption of the educational process, distraction of co-workers, and danger while driving.

The District permits only the safe, courteous, non-disruptive and limited use of personal or District cell phones or other electronic devices by an employee while on duty to conduct District business. Use of cell phones and other electronic devices by District employees is subject to District regulations. Use in violation of this policy may subject the employee to disciplinary action, up to and including termination.

Adopted: 7/1/12 Reviewed: 4/9/15 Revised: _____

Legal Reference: I.C. 33-512

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***Non-School Employment and Activities***

Employees shall not engage in any other employment or activity that would have an adverse effect on the performance of their duties for the District. Employees shall not engage in any other employment or activity during the hours necessary to fulfill appropriately assigned District duties unless approved by the Superintendent or designee.

Employees shall not engage in any other employment or activity for the purpose of financially benefiting from the students under their direct responsibility during his/her work year unless approved by the Board, Superintendent, or designee.

Discipline for violation of this policy may involve actions up to and including dismissal.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: 7/13/15

Cross Reference: Projects and Solicitations #4310
Tutoring #2150
Employee Conflict of Interest #5252
Staff Participation in Political Campaigns #5253
Staff Gifts, Solicitations, and Fund Raising #5570

Handbook Reference: Classified Employee Handbook

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## ***Employee Conflict of Interest***

No employee of the District shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.

Employees shall not use District privileges for private gain, for themselves or others, for the promotion of political candidates, or for political activities.

An employee shall not sell any District books, instructional supplies, musical instruments, equipment or other supplies unless prior approval has been obtained from the Superintendent or designee. Employees must also follow all laws concerning the disposal of surplus property.

There should be no conflict of interest in the supervision and evaluation of employees. At no time may any administrator or supervisory employee be responsible for the direct supervision and/or evaluation of any employee directly related to him/her. The administrator or supervisory employee is responsible for informing the Superintendent or designee of his/her relationship to another employee for whom that individual may have supervisory responsibilities.

Discipline for violation of this policy may involve actions up to and including dismissal.

Adopted: 7/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: 8/01/00

Cross Reference:
Tutoring #2150
Abuse of Property #3238
Projects and Solicitations #4310
Non-school Employment and Activities #5250
Staff Participation in Political Activities #5253
Staff Gifts, Solicitations, and Fund Raising #5570
Disposal of Surplus Equipment and Materials #7210
Sale Real and Personal Property #7211

Handbook Reference: Business Procedures Manual

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## ***Staff Participation in Political Activities***

The Board recognizes the right of its employees, as citizens, to engage in political activities. A staff member who seeks an elected office or who is involved in a political campaign must meet the requirements of policy #4312.

Adopted: 7/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 -- 12/11/14 4/9/15 Revised: 8/01/00 -- 9/08/03 7/1/15(3/9/15)

Cross Reference: Political Campaigns #4312
Non-School Employment and Activities #5250
Employee Conflict of Interest #5252

Handbook Reference: Master Contract Between the Boise School District and the Boise Education Association
Classified Employee Handbook

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## ***Approval of Salary Schedules***

The Board has final approval of salary schedules for District employees.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: _____
1/9/12 – 4/9/15

Legal References: C.R.S. 22-32-110(5)
C.R.S. 22-32-109(1)(f)

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## ***Overtime Compensation***

The District establishes the following policy to ensure that compliance procedures are applied properly and consistently for all employees throughout the district pursuant to the Fair Labor Standards Act (FLSA).

All employees are identified as either exempt or non-exempt. Non-exempt employees must have overtime pre-approved by an area director or his/her designee. In the case of an emergency, the employee must make a reasonable attempt to obtain prior approval from his/her supervisor for the overtime. If in the case of an emergency, prior approval cannot be obtained, the employee must notify his/her supervisor of the overtime worked no later than the beginning of the employee's next regularly scheduled shift, and must document the nature of the emergency. Employees will be advised at the time of hire, promotion or transfer if they are considered as exempt employees. Employees working unauthorized overtime may be subject to disciplinary action, up to and including termination.

Non-exempt employees who work in excess of 40 hours in any workweek shall be paid one and one-half (1 ½) times the regular hourly wage or given compensatory time equal to one and one-half (1 ½) times overtime hours actually worked, as defined in the accompanying procedure to this policy. Supervisors may adjust daily work schedules to prevent non-exempt employees from working more than forty hours (40) in a workweek.

Non-exempt employees may not volunteer their time and services with this district when the volunteer hours involve the same type of service which the employee is employed to perform. Any employee interested in volunteering with the district must discuss the issue with and obtain approval from his/her supervisor prior to performing any volunteer services.

**DEFINITIONS**:

**Compensatory (comp) time:** time off in lieu of monetary overtime compensation, calculated at time and one-half for each hour worked over 40 hours in any one workweek.

**Exempt Employees**: those employees excluded from the overtime provisions of FLSA. No additional compensation is provided for hours worked in excess of 40 in a given workweek by an exempt employee.

**Non-Exempt Employees**: those employees included in the overtime provisions of FLSA. Additional compensation or compensatory time off will be provided for hours over 40 worked during the workweek.

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**Workweek**: consists of five consecutive days during a period of seven days. A regular workweek begins at 12:01 a.m. Sunday and ends at midnight the following Saturday, although a regular work schedule is generally based on a Monday through Friday week.

| Adopted: | 8/01/00 | Reviewed: | 8/11/03 -- 10/25/04<br>2/16/09 -- 1/9/12<br>4/9/15 | Revised: | 10/25/04<br>7/1/12 (3/12/12) |
|---|---|---|---|---|---|

Handbook Reference: Classified Educational Personnel Handbook
Facilities & Operations Personnel Handbook
Food Service Personnel Handbook

Legal Reference: Fair Labor Standards Act, 29 C.F.R. § 541 *et seq.*

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## ***Overtime Compensation Procedure***

The Fair Labor Standards Act (FLSA) provides for an exemption from overtime pay for any employee employed in a bona fide executive, administrative, professional (including academic administrative personnel and teachers) or computer-related professional capacity. Whether an employee is exempt depends on his or her duties, responsibilities and compensation. Job title alone does not make an employee exempt. Determination of the exemption status of a position is based on an analysis of the duties and responsibilities of the job performed. All classified employees, except those employed in exempt positions, are covered by this procedure.

All District supervisors must make certain that FLSA provisions relating to overtime and hours worked are strictly adhered to, in order to ensure compliance with federal law.

*Work Hours*

All non-exempt employees shall be scheduled to work 40 hours or less per week within the established workweek of 12:01 a.m. Sunday to midnight the following Saturday.

Rest breaks are not mandatory. Regular full-time employees are generally given the opportunity to take a 15-minute rest break during the mid-point of the work day, if desired. However, breaks should be coordinated with the employee's work schedule and supervisor. If an employee does not take a rest break during the scheduled time, he or she is not allowed to use this as "make-up time." An employee may not use the rest break to adjust his or her work hours and come in late or leave early on either a daily or weekly basis.

Employees are given a minimum 30-minute duty free unpaid lunch break which should be coordinated with the employee's work schedule and supervisor. If required to work during their lunch break, employees will be paid or will receive comp time. Employees must receive supervisor approval before working through their lunch break.

*Overtime*

Non-exempt employees are paid on an hourly basis and are entitled to overtime pay at one and one-half times their regular hourly rate or compensatory time (comp time) at one and one-half times actual overtime hours worked for any hours worked in excess of 40 during the workweek, as set forth in this procedure. Because of the additional, unplanned expense overtime hours create for the district, strict approval procedures must be implemented and followed.

For nonexempt employees, overtime hours shall not be used routinely to complete regular job responsibilities. All overtime must be authorized in advance by an area director or his/her designee, unless an emergency exists. In the case of an emergency, the employee must make a reasonable attempt to obtain prior approval from his/her supervisor for the overtime. If prior

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approval cannot be obtained, the employee must notify his/her supervisor of the overtime no later than the beginning of the employee's next regularly scheduled shift, and must document the nature of the emergency. Similarly, any employee who intends to begin work earlier or end work later than his/her assigned hours, works through his/her lunch period, or works on scheduled days off, must receive prior authorization before performing any such work on behalf of the district. Any employee who works unauthorized overtime may be subject to disciplinary action, including potential suspension and termination, as appropriate.

Overtime payments or comp time accrual shall be computed on the basis of hours actually worked during a single workweek, as recorded by each non-exempt employee using the District's current timekeeping system(s). Holidays, vacation, sick leave, emergency leave and other hours paid but not worked are not considered to be hours worked for the purpose of overtime calculation.

When nonexempt employees work more than 40 hours in a week, as a general rule, the Boise School District will compensate for overtime hours worked in the form of comp time. A non-exempt employee may accumulate comp time only with a Director, program administrator or designee's approval and is encouraged to use the comp time within a short time frame of the excess hours worked. Any comp time not used by June 30 of each year shall be submitted for payment.

All supervisors have the authority to schedule work hours within the assigned workweek and/or work day and may adjust an employee's work schedule within a workweek to avoid overtime or minimize the numbers of comp time hours accumulated by an employee.

*Records*

All non-exempt employees covered by this policy and procedure are required to maintain accurate records showing actual hours worked, using the District's current time keeping system(s). The employee and the employee's supervisor or designee must authorize the time worked by signing or using the District's approved electronic signature or authorization to acknowledge that the work hours set forth are true and accurate. Employees will be compensated for overtime or will accrue comp time based on completed time keeping records. Failure to maintain accurate records, or falsification of such records will be grounds for disciplinary action. No supervisor shall knowingly allow an employee to work unreported overtime to avoid overtime payments.

All payroll records shall be maintained for at least three years. Records on which wage computations are based shall be retained for three years, i.e., timesheets (electronic or hard copy), work schedules, and records of additions to or deductions from wages.

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*Additional Procedures For Facilities And Operations Personnel*

Authorized Comp time and overtime pay shall be divided as equally as possible among employees in the same classification category within a school or department.

Normally, emergency overtime by facilities and operations personnel will be pre-approved. If prior approval is not possible, short-term emergency work will be done as required, shall be reviewed by the supervisor, and shall be reported to the area director as soon as possible, but not later than the next working day.

In the event a custodian is called to a school for an alarm or other emergency, the non-exempt employee shall be compensated not less than an hour, if the time needed to respond does not exceed an hour. The employee shall be compensated the actual time worked if the time exceeds one hour. To the extent possible, the head custodian or other appropriate supervisor shall rearrange the employee's schedule so the employee who responded to the alarm or other emergency does not exceed 40 hours of work in a workweek.

| Adopted: | 8/01/00 | Reviewed: | 8/11/03 -- 2/16/09<br>1/9/12 – 4/9/15 | Revised: | 7/1/12 (3/12/12)<br>7/1/15 (6/8/15) |
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Handbook Reference: Classified Educational Personnel Handbook
Facilities & Operations Personnel Handbook
Food Service Personnel Handbook

Legal Reference: Fair Labor Standards Act, 29 C.F.R. § 541 *et seq*

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## ***Trip Reimbursement***

The District shall pay staff members or officers of the District for approved travel expenses at the same rates and under the same conditions as the federal per diem rates. The Superintendent or designee shall prepare a procedure for all travel expense requests.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: _____

Cross Reference: Board Member Expenses #1520

Handbook Reference: Business Procedure Manual

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## ***Evaluations***

The Superintendent or designee shall develop a system for evaluating staff in accordance with Board policies, Idaho State Statutes and other such rules or laws as applicable. Such a system shall include, but not be limited to:

- supervisory assignments for staff evaluations;
- criteria procedures; and
- evaluation instruments and related forms

Adopted: 7/1/12 Reviewed: 7/5/12 – 4/9/15 Revised: 8/13/12

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|---|---|
| Cross Reference | General Duties of Administrative Staff # 6211 |
| Handbook Reference: | Certified Employee Handbook<br>Classified Employee Handbook |
| Legal Reference | I.C. 33-514<br>I.C. 33-517<br>IDAPA 08.02.02.120 |

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## ***Payroll***

The Board has a duty to require efficient and effective use of District funds in order to maximize benefit to students. Therefore, the Board requires all employees to use:

- the District's Direct Deposit Program to receive payroll related payments in accordance with State and Federal requirements; or
- a debit pay card for payroll payments.

A temporary exemption from the two payment options listed above may be granted if evidence is provided that participation in the program will create an extreme hardship for the employee.

The Superintendent or designee shall establish procedures for implementation of this policy.

Adopted 7/1/12 Reviewed: 4/9/15 Revised: _____

Handbooks; Certified Employees Handbook
Classified Employees Handbook

Legal Reference: IC § 45-608
Regulation E - Electronic Funds Transfer Act (15 U.S.C 1693 et seq.)

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## ***Personnel Records***

The District shall organize, compile and maintain paper and/or electronic personnel records and files for each staff member, which shall be kept in a secure location. The contents of the files shall be available to the Superintendent or designee and to those staff authorized by the Superintendent or his/her designee to organize, compile and maintain the personnel files. Staff members who have access to the files shall be required to maintain the confidentiality of the files and their contents.

Adopted: 7/1/12 Reviewed: 4/9/15 Revised: _____

Cross Reference Electronic Signature #7330

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## ***Exchange Teachers***

A limited number of certificated employees may be granted leaves of absence for participation in an Exchange Teacher Program with schools of other cities or countries, subject to Board approval. No teacher received in exchange shall be eligible for employment by the District during the year following the exchange, except in extenuating circumstances.

Exchange of professional employees with schools of other cities or countries is permissible under the following conditions:

1. The qualifications and experience of any out-of-District teacher must meet the requirements of the District.
2. The exchange will be for one year only.
3. All exchanges shall be made upon the recommendation of the Superintendent or designee and shall be approved by the Board.
4. Any out-of-District teacher must clear a background check.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: 7/1/09 (3/9/09)
1/9/12 – 4/9/15

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## ***Job Description***

The Board delegates to the Superintendent or designee the responsibility of developing job descriptions for District employees. Job descriptions shall be reviewed whenever a position is vacant or every five (5) years or as needed.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: 8/11/03

Legal Reference: I.C. 33-517

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***Staff Compliance Training***

The Board believes that the District must provide a safe, respectful and supportive school environment for students, staff, volunteers and patrons based on District values. The Board delegates to the Superintendent or designee the responsibility to provide training to staff in compliance with laws and Board policies. It is the responsibility of employees to complete all required trainings.

**Discipline for Violation of this Policy**
Failure to complete the training may result in disciplinary action up to and including termination of employment

Adopted: 7/13/15 Reviewed: 4/9/15 Revised: 7/13/15



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## ***Staff Complaints and Grievances***

It is the Board's desire that administrative procedures for settling staff complaints and grievances provide:

- prompt and equitable resolution at the lowest possible administrative level;
- that each employee be assured an opportunity for orderly presentation and review of complaints without fear of reprisal; and
- an orderly process within which solutions may be pursued.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: 8/13/11
7/5/11 -- 1/9/12
4/9/15

Legal Reference: IC 33-517

Handbook Reference: Master Contract Between the Boise School District and the Boise Education Association
Certified Employee Handbook
Classified Employee Handbook

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## ***Leave of Absence***

All District policies apply to District employees who are on leave of absence, to the extent applicable.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: _____

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## ***Family and Medical Leave***

*Eligibility* - If the employee has worked for the District for a minimum of 12 months and 1,250 hours in the past 12 months, and meets all eligibility requirements of the Family Medical Leave Act, the employee is eligible for family and medical leave pursuant to the Family and Medical Leave Act (P.L. 103-3) FMLA.

*Leave Year Calculation* - The District uses the "rolling" 12-month period method to calculate the employee's leave year. That means that the first time the employee takes FMLA leave, the employee's leave year begins. Thereafter, each time the employee requests additional FMLA leave, the District will look backward 12 months and determine how much FMLA leave has been used during that time and how much FMLA leave remains.

1. Family and Medical Leave is available for any of the following reasons:
    a. the birth and first year care of the employee's child;
    b. the placement of a child with the employee for adoption or foster care;
    c. the care of the employee's spouse, son or daughter, or parent who has a serious health condition; or
    d. a serious health condition that makes the employee unable to perform his/her job.
2. Accumulated paid leave (such as sick leave, personal leave, etc.) shall be exhausted prior to the employee being placed on unpaid leave status and shall be counted as a part of the 12 weeks of leave.
3. The employee is required to provide:
    a. 30 days advance written notice, when the leave is foreseeable; and
    b. medical certification of a serious health condition and of fitness to return to work, when requested.

    Second or third opinions, at District expense, may be required for a medical certification or a fitness for duty report.
4. The provisions of the Family and Medical Leave Act will control intermittent or reduced leaves.
5. If both spouses are employed by the District they together may take only 12 weeks for Family and Medical Leave when the reason for the leave is 1a or 1b above, or to care for a sick parent.
6. During a family and medical leave employees are entitled to continuation of health benefits that would have been provided if they were working.
7. An employee returning to work from a Family and Medical Leave will be given an equivalent position to his/her position before the leave, subject to the District's return to work policies and practices.

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Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 1/9/12 – 4/9/15 Revised: 8/12/02

Legal Reference: Family and Medical Leave Act, P.L. 103-3

Handbook Reference: Classified Employee Handbook

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## ***Americans with Disability Act***

The Board is committed to the fair and equal employment of individuals with disabilities. It is Board policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the District.

Adopted: 7/01/09 Reviewed: 1/9/12 – 4/9/15 Revised: _____

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## ***Staff Gifts, Solicitations, and Fund Raising***

While the Board does not encourage gifts to staff members, it is recognized that at times students and parents/guardians will wish to express their appreciation to a particular staff member or staff members. Any gift from an individual, individual's family or business of an employee of the District shall not exceed $50.00 in value per school year.

Except for small promotional items, no gift may be accepted from a business concern supplying, or with an interest in supplying goods, materials, equipment, or services to the school systems

Acceptance of a gift or contribution will not imply an endorsement of any business, product, service, special interest group, special advantages, or influence.

District employees are prohibited from soliciting funds on any District premises or at any school sponsored activity, regardless of location, for any cause other than those approved by the Superintendent, principal, or designee. The selling of merchandise to students and fellow workers is prohibited except in cases where it has been approved in advance by the Superintendent or designee.

No organization may solicit funds of staff members within the schools, nor may anyone distribute either flyers or materials for fund drives through the school without the approval of the Superintendent or designee.

The Board prohibits compulsory participation by District students, employees, or patrons in fund raising activities.

Discipline for violation of this policy may involve actions up to, and including, dismissal.

**DEFINITIONS**

**On District premises or at any District sponsored activity, regardless of location:** shall include, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: 1/10/11
12/8/10 -- 1/9/12
4/9/15

Cross Reference:
Selection of Instructional and Library Materials #2510
Projects and Solicitations #4310
Non-School Employment and Activities #5250
Employee Conflict of Interest #5252
Grants and Gifts #7260

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|---|---|
| Legal References: | IC 18-1356<br>IC 59-201IC 59-701<br>IC 33-1221 |
| Handbook Reference: | Elementary Student Planner<br>Secondary Student Planner |

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## ***Professional Employee Negotiations***

The Board ultimately is responsible for the negotiations agreement reached with the properly designated professional employee bargaining unit. The Board delegates authority to the Superintendent to appoint the individuals who will represent the District in this process. The Board retains its authority to accept or reject any negotiated agreement or specific terms therein.

The Superintendent or designee will advise and consult with the Board regarding the progress and recommendations which result from the discussions. Any agreements reached by the negotiations teams shall not be binding upon the Board until formally approved by the Board.

Adopted: 8/01/00 Reviewed: 8/11/03 -- 2/16/09 Revised: _____
1/9/12 – 4/9/15

Legal References:
I.C. 33-1271
I.C. 33-1271A
I.C. 33-1272
I.C. 33-1273
I.C. 33-1273A
I.C. 33-1274
I.C. 33-1274A
I.C. 33-1275

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