

**SOUTH CONWAY COUNTY SCHOOL
DISTRICT**

**100 Baramore Street
Morrilton, Arkansas 72110**

**Classified
Policy
Manual**

**Adopted: June 14, 2004
Revised and Approved: August 8, 2011**

SOUTH CONWAY COUNTY SCHOOL DISTRICT CLASSIFIED POLICY MANUAL

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8.1 SALARY SCHEDULE

EFFECTIVE: July 1, 2009

CLASSIFIED 2011-2012 SALARY SCHEDULE

Approved: July 11, 2011

Sched	A	B	C	D	E	F	G
Step	ABC Assist Teach AA	ABC Paraprofessional AA	ABC Paraprofessional CDA	ABC Permanent Sub	Technology Assistant	Technology Educational	Technology Supervisor
1	29,200	17,250	16,400	13,750	22,000	34,500	38,000
2	29,700	17,550	16,650	13,950	22,750	35,250	38,750
3	30,200	17,850	16,900	14,150	23,500	36,000	39,500
4	30,450	18,150	17,150	14,350	24,250	36,750	40,250
5	30,700	18,450	17,400	14,550	25,000	37,500	41,000
6	30,950	18,750	17,650	14,750	25,750	38,250	41,750
7	31,200	19,050	17,900	14,950	26,500	39,000	42,500
8	31,450	19,350	18,150	15,150	27,250	39,750	43,250
9	31,700	19,650	18,400	15,350	28,000	40,500	44,000
10	31,950	19,950	18,650	15,550	29,000	41,500	45,000
11	32,200	20,250	18,900	15,750	30,000	42,500	46,000
12						43,500	47,000
13							
14							
15							
16							
17							
18							
19							
20							
21							
Days	190	185	185	178	240	240	240
Hrs	8	8	8	8	8	8	8

CLASSIFIED 2011-2012 SALARY SCHEDULE

Approved: July 11, 2011

Sched	G1	H	I	J	K	M	N
Step	Nurse	Child Nutrition Cook	Child Nutrition Manager	Child Nutrition HS Manager	Child Nutrition Supervisor	Secretary School	Registrar
1	37,500	9,300	13,600	15,300	20,500	19,500	21,100
2	38,250	9,500	13,900	15,600	21,500	20,250	21,850
3	39,000	9,700	14,200	15,900	22,500	21,000	22,600
4	39,750	9,900	14,500	16,200	23,500	21,750	23,350
5	40,500	10,100	14,800	16,500	24,500	22,500	24,100
6	41,250	10,300	15,100	16,800	25,500	23,250	24,850
7	42,000	10,500	15,400	17,100	26,500	24,000	25,600
8	42,750	10,700	15,700	17,400	27,500	24,750	26,350
9	43,500	10,900	16,000	17,700	28,500	25,500	27,100
10	44,500	11,100	16,300	18,000	29,500	26,250	27,850
11	45,125	11,400	16,750	18,500	30,500	27,000	28,600
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
Days	240	180	180	180	200	240	240
Hrs	8	6.5	8	8	7	8	8

CLASSIFIED 2010-2011 SALARY SCHEDULE

Approved: July 11, 2011

Sched	O	P	Q	Q	S	T	U
Step	District Secretary Bookkeeper	District Assistant Bookkeeper	Admin Assist	District Treasurer	Maint Level 1	Maint Level 2	Maint Level 3
1	24,300	25,525	26,625	28,000	17,870	23,820	29,980
2	25,050	26,275	27,375	28,800	18,130	24,145	30,370
3	25,800	27,025	28,125	29,600	18,390	24,470	30,760
4	26,550	27,775	28,875	30,400	18,650	24,795	31,150
5	27,300	28,525	29,625	31,200	18,910	25,120	31,540
6	28,050	29,275	30,375	32,000	19,170	25,445	31,930
7	28,800	30,025	31,125	32,800	19,430	25,770	32,320
8	29,550	30,775	31,875	33,600	19,690	26,095	32,710
9	30,300	31,525	32,625	34,400	19,950	26,420	33,100
10	31,300	32,525	33,625	35,500	20,210	26,745	33,490
11	32,300	33,525	34,625	36,600			
12	33,300	34,525	35,625	37,700			
13	34,300	35,550	36,650	38,800			
14				39,900			
15				41,000			
16							
17							
18							
19							
20							
21							
Days	240	240	240	240	240	240	240
Hrs	7	7	7	7	8	8	8

CLASSIFIED 2011-2012 SALARY SCHEDULE

Approved: July 11, 2011

Sched	V	Y	Z	ZA	ZB	ZC	ZD
Step	Warehouse Delivery	Bus Driver Short	Bus Driver Long	Bus Fleet Manager	Bus Mechanic Level 2	Bus Mechanic Level 1	Bus Driver Shuttle
1	22,555	6,680	7,670	22,700	32,000	22,000	12,750
2	22,880	6,790	7,790	23,400	32,300	22,250	
3	23,205	6,900	7,910	24,100	32,600	22,500	
4	23,530	7,010	8,030	24,800	32,900	22,750	
5	23,855	7,120	8,150	25,500	33,200	23,000	
6	24,180	7,230	8,270	26,200	33,500	23,250	
7	24,505	7,340	8,390	26,900	33,800	23,500	
8	24,830	7,450	8,510	27,600	34,100	23,750	
9	25,155	7,560	8,630	28,400	34,400	24,000	
10	25,480	7,670	8,750	29,200	34,700	24,250	
11		7,780	8,870	30,000	35,000	24,500	
12		7,890	8,990		35,500	24,900	
13		8,000	9,110		36,000	25,300	
14		8,110	9,230		36,500	25,700	
15		8,220	9,350		37,000	26,100	
16		8,330	9,470				
17		8,440	9,590				
18		8,550	9,710				
19		8,660	9,830				
20		8,770	9,950				
21		8,880	10,070				
Days		180	180	240	240	240	178
Hrs		2.5	3.5	8	8	8	5.5

CLASSIFIED 2011-2012 SALARY SCHEDULE

Approved: July 11, 2011

Sched	ZE	ZF	ZF1	ZF2	ZG		
Step	Bus Substitute Full-Time	Parapro Level 1	Parapro Level 2 AA or 75 hrs	Parapro Level 3 BS or higher	Per Hr	Custodian Level 1 190	240
1	9,550	13,600	17,600	22,600	8.20	12,464	15,744
2		13,900	17,950	23,000	8.35	12,692	16,032
3		14,200	18,300	23,400	8.50	12,920	16,320
4		14,500	18,650	23,800	8.65	13,148	16,608
5		14,800	19,000	24,200	8.80	13,376	16,896
6		15,100	19,350	24,600	8.95	13,604	17,184
7		15,400	19,700	25,000	9.10	13,832	17,472
8		15,700	20,050	25,400			
9		16,000	20,400	25,800			
10		16,300	20,750	26,200			
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
Days	240	185	185	185	NA	190	240
Hrs	8	8	8	8		8	8

CLASSIFIED 2011-2012 SALARY SCHEDULE

Approved: July 11, 2011

Sched	ZH			ZH1			ZI	ZK
Step	Custodian Level 2			Custodian Level 3			Bus Driver Little Rock	Maint Energy Manager
	Per Hr	190	240	Per Hr	190	240		
1	8.50	12,920	16,320	8.80	13,376	16,896	18,540	9,000
2	8.75	13,300	16,800	9.15	13,908	17,568	19,040	
3	9.00	13,680	17,280	9.50	14,440	18,240	19,540	
4	9.25	14,060	17,760	9.85	14,972	18,912	20,040	
5	9.50	14,440	18,240	10.20	15,504	19,584	20,540	
6	9.75	14,820	18,720	10.55	16,036	20,256	21,040	
7	10.00	15,200	19,200	10.90	16,568	20,928	21,540	
8	10.25	15,580	19,680	11.25	17,100	21,600	22,040	
9				11.60	17,632	22,272	22,540	
10							23,040	
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
Days	NA	190	240	NA	190	240	180	240
Hrs		8	8		8	8		8

Legal Reference: A.C.A. § 6-17-2301

History PPC: 6/9/09
History BOE: 6/14/04, Revised 6/12/06, 7/9/07, 6/9/08, 7/14/08, 6/8/09, 7/11/11

8.2 CLASSIFIED EMPLOYEE EVALUATION PROCESS

EFFECTIVE: May 8, 2006

- A. Non-certified personnel may be periodically evaluated. Any forms, procedures or other methods of evaluation, including criteria, are to be developed by the Superintendent and or his designee(s), but shall not be part of the personnel policies of the District.

Legal Reference: A.C.A. §6-17-2301

History PPC:

History BOE: 6/14/04, Revised 5/8/06

8.3 PERSONNEL – EVALUATIONS BY RELATIVES

EFFECTIVE: June 14, 2004

- A. No person shall be employed in, or assigned to, a position which would require that he/she be evaluated by any relative, by blood or marriage, including spouse, parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, first cousin, step parent, or step child.

History PPC:

History BOE: 6/14/04

8.4 CLASSIFIED EMPLOYEE DRUG TESTING

EFFECTIVE: June 11, 2007

- A. **Scope of Policy** - Each person hired for a position which allows or requires that the employee operate any type of motor vehicle which is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District, and is operated for the transportation of children to or from school or school sponsored activity shall undergo a physical examination, including a drug test. Each person's initial employment for a job entailing a safety sensitive function is conditioned upon the district receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee's signing an authorization for the request for information by the district from the Commercial Driver Alcohol and Drug Testing Database.

- B. **Methods of Testing** - The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory Classified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities. (“Mandatory Guidelines for Federal Workplace Drug Testing Programs”).
- C. **Definition** - Safety sensitive function includes:
1. All time spent inspecting, servicing, and/or preparing the vehicle;
 2. All time spent driving the vehicle;
 3. All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
 4. All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- D. **Requirements** - Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:
1. Random tests;
 2. Testing in conjunction with an accident;
 3. Receiving a citation for a moving traffic violation; and
 4. Reasonable suspicion.
- E. **Prohibitions** -
1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
 2. No driver shall use alcohol while performing safety-sensitive functions;
 3. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
 4. No driver required to take a post-accident alcohol test under # 2 above shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
 5. No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
 6. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner, knowledgeable of the driver’s job responsibilities, who has advised the driver that the substance will not adversely affect the driver’s ability to safely operate his/her vehicle. It is the employee’s responsibility to inform his/her supervisor of the employee’s use of such medication;
 7. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.
 8. Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

- F. **Testing for Cause** - Drivers involved in an accident in which there is a loss of another person's life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved:
1. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident,
 2. One or more motor vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- G. **Refusal to Submit** - Refusal to submit to an alcohol or controlled substance test means that the driver
1. Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
 2. Failed to remain at the testing site until the testing process was completed;
 3. Failed to provide a urine specimen for any required drug test;
 4. Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;
 5. Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
 6. Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
 7. Failed to cooperate with any of the testing process; and/or
 8. Adulterated or substituted a test result as reported by the Medical Review Officer.
- H. **Consequences for Violations**
1. Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety-sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.
 2. Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulatable observations concerning the behavior, speech, or body odors of the driver. The Superintendent or his/her designee shall require the driver to submit to "reasonable suspicion" tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Superintendent or his/her designee shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver's removal from duty.

3. If the result of an alcohol test that was administered to a driver is equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period not less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

Legal Reference: A.C.A. § 6-19-108, A.C.A. §27-23-201 et seq., 49 C.F.R. § 382-101 – 605, 49 C.F.R. § part 40 Arkansas Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Arkansas Public School Busses and Physical Examinations of School Bus Drivers.

History PPC:
History BOE: 6/14/04, 6/11/07

8.5 SICK LEAVE

EFFECTIVE: July 1, 2011

A. Definitions

1. **“Employee”** is a full-time contracted employee of the District.
2. **“Sick Leave”** is absence from work due to illness, whether by the employee or a member of the employee’s immediate family, or due to a death in the family. The principal shall determine whether sick leave will be approved on the basis of a death outside the immediate family of the employee.
3. **“Current Sick Leave”** means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per contracted month, or major part thereof.
4. **“Accumulated Sick Leave”** is the total of unused sick leave, up to a maximum of one hundred twenty (120) days accrued from previous contract, but not used.
5. **“Immediate family”** means an employee’s spouse, child, parent, sibling or any other relative provided the other relative lives in the same household as the employee.

B. Sick Leave

1. The principal has the discretion to approve sick leave for an employee to attend the funeral of a person who is not related to the employee, under circumstances deemed appropriate by the principal. Such approved sick leave shall not exceed one-half day.
2. Pay for sick leave shall be at the employee’s daily rate of pay, which is that employee’s total contracted salary, divided by the number of days employed as reflected in the contract. Absences for illness in excess of the employee’s accumulated and current sick leave shall result in a deduction from the employee’s pay at the daily rate as defined above.
3. At the discretion of the principal (or Superintendent), the District may require a written statement of the employee’s physician. Failure to provide such documentation of illness may result in sick leave not being paid, or in dismissal.
4. Should an employee be absent frequently during a school year, and if such a pattern of absences continues, or is reasonably expected to continue, the Superintendent may relieve

the employee of his assignment (with Board approval) and assign a substitute the duty. Should the employee fail, or otherwise be unable, to report for duty when called, the employee will be charged a day of sick leave, if available.

5. Excessive absenteeism, whatever the cause, to the extent that the employee is not carrying out his assigned duties to an extent that the education of students is substantially adversely affected (at the determination of the principal or Superintendent) may result in dismissal.
 6. Employees who are adopting or seeking to adopt a minor child or minor children may use up to 15 sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation, submission or preparation, time spent with legal or adoption agency representatives, time spent in court and bonding time. Except for bonding time, documentation shall be provided by the employee upon request.
- C. In case of death of a member of the immediate family of any district employee, such district employee will be excused without loss of pay for a period not to exceed five (5) days, one day of which is the funeral.
- D. District Employee may use his/her sick leave in the event of the death of close friends and extended family.
- E. The Superintendent of Schools has the authority to grant use of sick leave in other issues.
- F. **Sick Leave and Family Medical Leave Act (FMLA) Leave**
When an employee takes sick leave, the district shall determine if the leave qualifies for FMLA leave. The district may request additional information from the employee to help make the applicability² determination. If the leave qualifies under the FMLA, the district will notify the employee, either orally or in writing³, of the decision within two workdays. If the leave is intermittent as defined in this policy and the circumstances of the leave don't change, the district is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave. To the extent the employee has accrued paid leave, any leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee's accrued leave.

Legal References: A.C.A. § 6-17-1301 et seq., 29 USC §§ 2601 et seq., 29 CFR 825.100 et seq.

History PPC: 5/7/08

History BOE: 6/14/04, Revised 6/13/05, 12/12/05, 6/12/06, 4/14/08, 6/09/08, 3/14/11

8.6 RESERVED FOR FUTURE USE

EFFECTIVE:

History PPC:

History BOE:

8.7 NON-CERTIFIED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE
EFFECTIVE: July 1, 2008

- A. For the district to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum. The district acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. Each full-time employee shall receive two (2) days of personal leave per contract year. The leave may be taken in increments of no less than one-half (1/2) of one (1) day.
- B. Employees shall take personal leave or leave without pay for those absences which are not due to attendance at school functions which are related to their job duties and do not qualify for other types of leave (for sick leave see Policy 3.9, for professional leave see below).
- C. School functions, for the purposes of this policy, means:
 - 1. Athletic or academic events related to the school district; and
 - 2. Meetings and conferences related to education.
- D. For employees other than the superintendent, the determination of what activities meet the definition of a school function shall be made by the employee's immediate supervisor or designee. For the superintendent, the school board of directors shall determine what activities meet the definition of a school function. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence.
- E. Any employee desiring to take personal leave may do so by making a written request to his supervisor at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the supervisor when the supervisor deems it appropriate.
- F. Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). While there are instances where personal circumstances necessitate an employee's absence beyond the allotted days of sick and/or personal leave, any employee who requires leave without pay must receive advance permission (except in medical emergencies) from their immediate supervisor. Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination.
- G. Personal leave, if not used, shall accumulate from one contract year to the next as sick leave. Personal leave may not be taken the day before or the day after a school holiday.
- H. Exceptions can only be made by the Superintendent of Schools.

Professional Leave

- A. “Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., teacher workshops or serving on professional committees) which can serve to improve the school district’s instructional program or enhances the employee’s ability to perform his duties. Professional leave will also be granted when a school district employee is subpoenaed for a matter arising out of the employee’s employment with the school district. Any employee seeking professional leave must make a written request to his immediate supervisor, setting forth the information necessary for the supervisor to make an informed decision. The supervisor’s decision is subject to review and overruling by the superintendent. Budgeting concerns and the potential benefit for the district’s students will be taken into consideration in reviewing a request for professional leave.
- B. Applications for professional leave should be made as soon as possible following the employee’s discerning a need for such leave, but, in any case, no less than two (2) weeks before the requested leave is to begin, if possible.
- C. If the employee does not receive or does not accept remuneration for their participation in the professional leave activity and a substitute is needed for the employee, the district shall pay the full cost of the substitute. If the employee receives and accepts remuneration for their participation in the professional leave activity (e.g. scholastic audits or praxis assessments), the employee shall forfeit his/her daily rate of pay from the district for the time the employee misses. The cost of a substitute, if one is needed, shall be paid by the district.

History PPC: 5/7/08

History BOE: 6/14/04, Revised 12/12/05, 5/8/06, 6/11/07, 6/09/08

8.8 PERSONNEL RESPONSIBILITIES IN DEALING WITH SEX OFFENDERS ON CAMPUS

EFFECTIVE: July 1, 2008

- A. Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).
- B. While Levels 1 and 2 place no restrictions prohibiting the individual’s presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in Policy 6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW) and it is the responsibility of district staff to know and understand the policy and, to the extent requested, aid school administrators in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

- C. It is the intention of the board of directors that district staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school's administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.¹

Cross Reference: 6.10—SEX OFFENDERS ON CAMPUS (MEGAN'S LAW)

For example, if a sex offender parent will arrive for conferences at the same time as other parents, staff should escort additional parents to their student's classroom, not just the sex offender parent. All principals, designees, and school employees who will or may have contact with the sex offender parents shall be required to keep confidential both the sex offender status and sex offender accommodations made for a parent.

Legal Reference: A.C.A. § 12-12-913 (g) (2), Arkansas Department of Education Guidelines for "Megan's Law", A.C.A. § 5-14-132

History PPC: 5/7/08
History BOE: Adopted 6/11/07, 6/09/08

8.9 PUBLIC OFFICE

EFFECTIVE: June 14, 2004

- A. An employee of the District who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school district) shall not be discharged or demoted as a result of such service.
- B. No paid leave will be granted for the employee's participation in such public office. The employee may receive pay for personal leave or vacation (if applicable), if approved in advance by the Superintendent, during his absence.
- C. Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he must make written request for leave to the Superintendent, setting out, to the degree possible, the dates such leave is needed.
- D. An employee who fraudulently requests sick leave for the purpose of taking leave to serve in public office may be subject to non-renewal or termination of his employment contract.

Legal Reference: A.C.A. § 6-17-115, 116

History PPC:
History BOE: 6/14/04

8.10 JURY DUTY

EFFECTIVE: June 14, 2004

- A. Employees are not subject to discharge, loss of sick leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to the District through the employee's immediate supervisor.
- B. The employee must present the original (not a copy) summons to jury duty to his supervisor in order to confirm the reason for the requested absence.

Legal Reference: A.C.A. § 16-31-106

History PPC:
History BOE: 6/14/04

8.11 OVERTIME, COMPTIME, & COMPLYING WITH FLSA

EFFECTIVE: June 14, 2004

- A. The South Conway County School District shall comply with those portions of the Fair Labor Standards Act that relate to the operation of public schools. The act requires that covered employees be compensated for all hours worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to 40 hours. It also requires that employees be compensated for workweeks of greater than 40 hours at 1 ½ times their regular rate of pay either monetarily or through compensatory time.
- B. DEFINITIONS
 1. Overtime is hours worked in excess of 40 per workweek. Compensation given for hours **not** worked such as for holidays or sick days do **not** count in determining hours worked per workweek.
 2. Workweek is the seven day consecutive period of time from 12:00AM on Sunday to midnight on the following Saturday. Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.
 3. Exempt Employees are those employees who are not covered under the FLSA. They include administrators and professional employees such as teachers, counselors, nurses, and supervisors. Any employee who is unsure of their coverage status should consult with the Superintendent of Schools.
 4. Covered Employees (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionist, paraprofessionals, food service workers, secretaries, and bookkeepers.
 5. Regular Rate of Pay includes all forms of remuneration for employment and shall be expressed as an hourly rate. For those employees previously paid on a salary basis, the salary be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

C. Employment Relationships

1. The District does not have an employment relationship in the following instances.
 - a. Between the District and student teachers;
 - b. Between the District and its students;
 - c. Between the District and individuals who as a public service volunteer or donate their time to the District without expectation or promise of compensation.
2. The District does not have a joint employment relationship in the following instances.
 - a. Between the District and off-duty policemen or deputies who are hired on a part-time basis for security purposes or crowd control. The District is separate from and acts independently of other governmental entities.
 - b. Between the District and any agency contracted with to provide transportation services, security services, or other services.

D. HOURS WORKED - Employees shall be compensated for all the time they are required to be on duty and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week.

1. The District shall determine the manner to be used by employees to accurately record the hours they work. Each employee shall record the exact time they commence and cease work including meal breaks. Employees arriving early may socialize with fellow workers who are off the clock, but shall not commence working without first recording their starting time.
2. Employees shall sign in/clock in where they start work and out/clock out at the site where they cease working. Employees who do not start and end their workday at the same site shall carry a time card or sheet with them to accurately record their times. They shall turn in their time sheets or cards to their immediate supervisor no later than the following Monday morning after reviewing them to be sure that they accurately reflect their hours worked for that week.
3. Each employee is to personally record his/her own times. Any employee who signs in or out (or who punches a time clock) for another employee or who asks another employee to do so for him/her will be dismissed.
4. Employees whose normal workweek is less than 40 hours and who work more than their normal number of hours in a given workweek may, at the District's option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as compensatory time given in lieu of overtime pay.

E. BREAKS & MEALS - Each employee working more than 20 hours per week shall be provided two (2), paid, 15 minute free breaks per workday.

1. Meal periods which are less than 30 minutes in length or in which employee is not relieved of duty are compensable. Employees with a bona fide meal period shall be completely relieved of their duty to allow them to eat their meal which they may do away from their work site, in the school cafeteria, or in a break area.
2. The employee shall not engage in any work for the District during meal breaks except in rare and infrequent emergencies.

F. OVERTIME - Covered employees shall be compensated at not less than 1.5 times his/her regular rate of pay for all hours worked over 40 in a workweek. Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or the District. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned.

1. Employees working two or more jobs for the District at different rates of pay shall be paid overtime at the weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.
2. Provided the employee and the District have a written agreement or understanding before the work is performed, compensatory time off may be awarded in lieu of overtime pay for hours worked over 40 in a workweek and shall be awarded on a one-and-one-half (1 ½) time basis for each hour of overtime worked. The District reserves the right to determine if it will award compensatory time in lieu of monetary pay for the overtime worked. The maximum number of compensatory hours an employee may accumulate at the time is 20. The employee must be able to take the compensatory time off within a reasonable period of time that is not unduly disruptive to the District.
3. An employee whose employment is terminated with the District, whether by the District or the employee shall receive monetary compensation for unused compensatory time. Of the following methods, the one that yields the greatest money for the employee shall be used.
 - a. The average regular rate received by the employee during the last 3 years of employment.
 - b. The final regular rate received by the employee.

G. OVERTIME AUTHORIZATION

1. There will be instances where the district's needs necessitate an employee to work overtime. It is the Board's desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from their supervisor in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.
2. All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action must be taken for failure to follow District policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

H. LEAVE REQUESTS

1. All covered employees shall submit a leave request form prior to taking the leave if possible. If, due to unforeseen or emergency circumstances, advance request was not possible the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within District policy.
2. Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form.

I. RECORD KEEPING & POSTINGS

1. The District shall keep and maintain records as required by the FLSA for the period of time required by the act.
2. The District shall display minimum wage posters where employees can readily observe them.

J. COOPERATION WITH ENFORCEMENT OFFICIALS -All records relating to the FLSA shall be available for inspection by, and District employees shall cooperate fully with, officials from the DOL and/or its authorized representatives in the performance of their jobs relating to:

1. Investigating and gathering data regarding the wages, hours, and other conditions and practices of employment;
2. Entering, inspecting, and/or transcribing the premises and its records;
3. Questioning employees and investigating such facts as the inspectors deem necessary to determine whether any person has violated any provision of the FLSA.

Legal References: 29 USC § 206(a), ACA § 6-17-2203; 29 USC § 207(a)(1), 29 CFR § 778.100; 29 USC § 207(o), 29 CFR § 553.50; 29 CFR § 778.218(a); 29 CFR § 778.105; 29 USC § 213(a), 29 CFR §§ 541 et seq.; 29 USC § 207(e), 29 CFR § 778.108; 29 CFR §§ 785.9, 785.16; 29 CFR § 5516.2(7); 29 CFR §§ 785.1 et seq.; ACA § 6-17-2205; 29 CFR §§ 785.19; 29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20-553.32; 29 CFR § 778.106; 29 USC § 207(g)(2), 29 CFR § 778.115; 29 USC § 207(o)(2)(A), 29 CFR § 553.23; 29 CFR § 553.20; 29 USC § 207(o)(4), 29 CFR § 553.27; 29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50; 29 CFR § 516.4; 29 CFR §§ 516.5, 516.6; 29 USC § 211(a)(b)

History PPC:
History BOE: 6/14/04

8.12 OUTSIDE EMPLOYMENT

EFFECTIVE: June 14, 2004

- A. An employee of the District may not be employed in any other capacity during regular working hours.
- B. An employee may not accept employment outside of his district employment which will interfere, or otherwise be incompatible with the District employment, including normal duties outside the regular work day; nor shall an employee accept other employment which is inappropriate for an employee of a public school.
- C. The Superintendent, or his designee(s), shall be responsible for determining whether outside employment is incompatible, conflicting, or inappropriate.

Legal Reference: A.C.A. § 6-24-106, 107, 111

History PPC:
History BOE: 6/14/04

8.13 EMPLOYMENT

EFFECTIVE: June 14, 2004

- A. All prospective employees must fill out an application form provided by the District, in addition to any resume provided, all of which information is to be placed in the personnel file of those employed.
- B. If the employee provides false or misleading information, or if he withholds information to the same effect, it may be grounds for dismissal.
- C. The South Conway County School District is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, age, or disability.
- D. The Board recognizes the Superintendent of Schools as the chief executive officer of the Board of Education, and places upon him the responsibility for recommending the appointment of personnel. Although the Superintendent of Schools may assign to others certain duties respecting the appraisal of the qualifications of candidates, the final decision concerning the recommendation of candidates shall be the responsibility of the Superintendent of Schools.

History PPC:
History BOE: 6/14/04

8.14 REIMBURSEMENT OF TRAVEL EXPENSES

EFFECTIVE: July 1, 2011

- A. All travel is reimbursed at a rate of \$.32 per mile. Maximum reimbursement for meals is: \$34.00 per day.
- B. Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Superintendent, principal, supervisor or the appropriate designee of the Superintendent of Schools and the employee's attendance/travel was at the request of the district. It is the responsibility of the employee to determine the appropriate supervisor from which he must obtain approval. No travel will be reimbursed within the school district.
- A. Reimbursement claims must be made on forms provided by the District and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.
- B. The provisions of policy 7.12- Expense Reimbursement are incorporated by reference into this policy

History PPC:
History BOE: 6/14/04, Revised 8/8/05, 5/8/06, 3/12/07, 3/14/11

8.15 TOBACCO USE

EFFECTIVE: June 14, 2004

- A. Smoking or the use of tobacco, or products containing tobacco in any form, in or on any property owned or leased by the district, including buses or other school vehicles, is prohibited.
- B. Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

***Legal Reference:** Educate America Act, P.L. 103-227, 20 USC 6081, A.C.A. § 6-21-609*

History PPC:
History BOE: 6/14/04

8.16 DRESS CODE

EFFECTIVE: June 14, 2004

- A. Employees shall ensure that their dress and appearance are professional and appropriate to their positions.

History PPC:
History BOE: 6/14/04

8.17 STAFF PARTICIPATION IN POLITICAL ACTIVITIES

EFFECTIVE: May 8, 2006

- A. Employees are free to engage in political activity outside of work hours and to the extent that it does not affect the performance of their duties or adversely affect important working relationships.
It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:
 - 1. Using students for preparation or dissemination of campaign materials;
 - 2. Distributing political materials;
 - 3. Distributing or otherwise seeking signatures on petitions of any kind;
 - 4. Posting political materials; and
 - 5. Discussing political matters with students, in or out of the classroom, in other than circumstances appropriate to the nature of the class.

***Legal References:** Act 1302 of 1997, Sections 1 and 2.*

History PPC:
History BOE: 6/14/04, Revised 5/8/06

8.18 RESERVED FOR FUTURE USE

EFFECTIVE:

History PPC:
History BOE:

8.19 GRIEVANCE PROCEDURES

EFFECTIVE: June 11, 2007

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this district.

A. Definitions

1. **Grievance:** a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school district. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision. A group of employees who have the same grievance may file a group grievance.
2. **Group Grievance:** A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)
 - a. More than one individual has interest in the matter; and
 - b. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and
 - c. The group has designated an employee spokesperson to meet with administration and/or the board; and
 - d. All individuals within the group are requesting the same relief.
3. **Employee:** any person employed under a written contract by this school district.
4. **Immediate Supervisor:** the person immediately superior to an employee who directs and supervises the work of that employee.
5. **Working day:** Any weekday other than a holiday whether or not the employee under the provisions of their contract is scheduled to work or whether they are currently under contract.

B. Process

1. **Level One:** An employee who believes that he/she has a grievance shall inform that employee’s immediate supervisor that the employee has a potential grievance and discuss the matter with the supervisor within five working days of the

occurrence of the grievance. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. (The five-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within five working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the immediate supervisor, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within five working days of the discussion with the immediate supervisor, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form which he/she will submit to the building principal or, in the event that the employee's immediate supervisor is the building principal, the superintendent.

2. Level Two (when appeal is to the building principal): Upon receipt of a Level Two Grievance Form, the building principal will have ten working days to schedule a conference with the employee filing the grievance. The principal shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the principal will have ten working days in which to deliver a written response to the grievance to the employee. If the grievance is not advanced to Level Three within five working days the matter will be considered resolved and the employee shall have no further right with respect to said grievance.
3. Level Two (when appeal is to the superintendent): Upon receipt of a Level Two Grievance Form, the superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.
4. Level Three: If the proper recipient of the Level Two Grievance was the building principal, and the employee remains unsatisfied with the written response to the grievance, the employee may advance the grievance to the superintendent by submitting a copy of the Level Two Grievance Form and the principal's reply to the superintendent within five working days of his/her receipt of the principal's reply. The superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.
5. Appeal to the Board of Education: An employee who remains unsatisfied by the written response of the superintendent may appeal the superintendent's decision to the Board of Education within five working days of his/her receipt of the Superintendent's written response by submitting a written request for a board

hearing to the superintendent. If the grievance is not appealed to the Board of Education within five working days of his/her receipt of the superintendent's response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

6. The school board will address the grievance at the next regular meeting of the school board, unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the superintendent's reply, the board will decide if the grievance, on its face, is grievable under district policy. If the grievance is presented as a "group grievance," the Board shall first determine if the composition of the group meets the definition of a "group grievance." If the Board determines that it is a group grievance, the Board shall then determine whether the matter raised is grievable. If the Board rules the composition of the group does not meet the definition of a group grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently re-file their grievance as an individual grievance beginning with Level One of the process.) If the Board rules the grievance not to be grievable, the matter shall be considered closed. If the Board rules the grievance to be grievable, they shall immediately commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee's immediate family at the appeal hearing before the Board of Education. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student's testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Education may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

- C. Records - Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.
- D. Reprisals - No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

Legal Reference: A.C.A. § 6-17-208, 210

<p>History PPC: History BOE: 6/14/04, Revised 5/8/06, 6/11/07</p>

8.20 SEXUAL HARASSMENT

EFFECTIVE: July 1, 2011

- A. The South Conway County School District is committed to having an academic and work environment in which all students and employees are treated with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.
- B. Believing that prevention is the best policy, the district will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences.
- C. It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any employee found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination.
- D. Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:
 - 1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment;
 - 2. Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; and/or
 - 3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creates an intimidating, hostile, or offensive academic or work environment.
- E. The terms "intimidating," "hostile," and "offensive" include conduct of a sexual nature which has the effect of humiliation or embarrassment and is sufficiently severe, persistent, or pervasive that it limits the student's or employee's ability to participate in, or benefit from, an educational program or activity or their employment environment.
- F. Within the educational or work environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; employees and non-employees.
- G. Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name

calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

- H. Employees who believe they have been subjected to sexual harassment are encouraged to file a complaint by contacting their immediate supervisor, administrator, or Title IX coordinator who will assist them in the complaint process. Under no circumstances shall an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment. To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.
- I. Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.
- J. Employees who knowingly fabricate allegations of sexual harassment shall be subject to disciplinary action up to and including termination.
- K. Investigation of sexual harassment shall be subject to disciplinary action up to and including termination.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq., Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq., A.C.A. § 6-15-1005 (b) (1)

History PPC:
History BOE: Adopted 3/14/11

8.21 SUPERVISION OF STUDENTS

EFFECTIVE: June 14, 2004

- A. All District personnel are expected to conscientiously execute their responsibilities to promote the health, safety, and welfare of the District's students under their care. The Superintendent shall direct all principals to establish regulations ensuring faculty supervision of students throughout the school day and at extracurricular activities.
- B. The District shall provide staff development in the areas of discipline each year for all classified personnel.

History PPC:
History BOE: 6/14/04

8.22 COMPUTER USE POLICY

EFFECTIVE: July 1, 2009

- A. The South Conway County School District provides computers and/or computer Internet access for many employees, to assist employees in performing work related tasks. Employees are advised that they enjoy no expectation of privacy in any aspect of their computer use, including email, and that under Arkansas law, both email and computer use records maintained by the district are subject to disclosure under the Freedom of Information Act. Consequently, no employee or student-related reprimands or other disciplinary communications should be made through e-mail.
- B. Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the district's technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of this school district to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The designated District Technology Administrator or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.
- C. Employees who misuse district-owned computers in any way, including excessive personal use, using computers for personal use during instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References: *Children's Internet Protection Act; PL 106-554, 20 USC 6777, 47 USC 254(h), A.C.A. § 6-21-107, A.C.A. § 6-21-111*

History PPC: 5/7/08

History BOE: 6/14/04, 6/09/08, 6/8/09

8.23 FAMILY AND MEDICAL LEAVE ACT

EFFECTIVE: July 1, 2010

A. Definitions:

1. Covered active duty means
 - (a) in the case of a member of a **regular** component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country; and
 - (b) in the case of a member of a **reserve** component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

2. Covered Service Member: is
 - (a) a member of the Armed Forces, including a member of the National Guard or Reserves, who is a undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
3. Eligible Employee: is an employee who has been employed by the district for at least twelve (12) months and for 1250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave. Full time, licensed teachers are considered to have met the 1250 hour requirement for eligibility.
4. Health Care Provider: is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. It also includes any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.
5. Instructional Employee: is a teacher whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does **not** include administrators, counselors, librarians, psychologists, or curriculum specialists who are included under the broader definition of “eligible employee” (to the extent the employee has been employed for 12 months).
6. Next of Kin: used in respect to an individual, means the nearest blood relative of that individual.
7. Outpatient Status: used in respect to a covered service member, means the status of a member of the Armed Forces assigned to
 - (a) a military medical treatment facility as an outpatient; or
 - (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
8. Parent: is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter.
9. Qualifying Exigency: Issues that arise due to covered active duty or a call to covered active duty of an employee's spouse, son, daughter, or parent. Examples include issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by federal regulations.¹
10. Serious Health Condition: is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.¹
11. Serious Injury or Illness:
 - (a). in the case of a member of the Armed Forces, including the National Guard or Reserves, it means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the

beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b.) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard of Reserves, at any time during a period as a covered service member defined in this policy, it means a qualifying (as defined by the U.S Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

12. Year: for leave **other** than to care for the serious injury or illness of a covered service member, the twelve (12) month period of eligibility shall begin on the first duty day of the school year.

Year: for leave to care for the serious injury or illness of a covered service member, the twelve (12) month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

B. Policy: The provisions of this policy are intended to be in line with the provisions of the FMLA. If any conflict(s) exist, the Family Medical Leave Act of 1993 as amended shall govern.

C. Leave Eligibility: The district will grant up to twelve (12) weeks of leave in a year in accordance with the Family Medical Leave Act of 1993 (FMLA) as amended to its eligible employees for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.
6. To care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury.

The entitlement to leave for reasons 1 and 2 listed above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a **covered service member** shall be entitled to a total of 26 weeks of leave during one 12-month period to care for the service member who has a serious injury or illness as defined in this policy. An eligible employee who cares for such a covered service member is limited for reasons 1 through 5 listed above to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12 month period could only take a total of 10 weeks for reasons 1 through 5.

If husband and wife are both eligible employees employed by the district, the husband and wife are entitled to a total of 26 weeks of leave during one 12-month period to care for their spouse, son, daughter, parent, or next of kin who is a **covered service member** with a serious injury or illness as defined in this policy. A husband and wife who care for such a covered service member is limited for reasons 1 through 5 listed above to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12 month period could only take a total of 10 weeks for reasons 1 through 5.

D. **District Notice to Employees:** The district shall post, in conspicuous places in each school within the district, where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.²³

E. **Employee Notice to District:**

Foreseeable:

1. When the need for leave is foreseeable for reasons 1 through 4 or 6 listed above, the employee shall provide the district with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave for the specified reason, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.
2. When the necessity for leave is for reason 5 listed above is foreseeable, whether because the spouse, son, daughter, or parent of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the district as is reasonable and practicable regardless of how far in advance the leave is foreseeable.
3. When the need for leave is for reasons 3, 4, or 6 listed above, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.
4. Failure by the employee to give thirty (30) days notice may delay the taking of FMLA leave until at least thirty (30) days after the date the employee provides notice to the district.

Unforeseeable:

1. When the approximate timing of the need for leave is not foreseeable, an employee shall provide the district notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify the district within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means.

F. Medical Certification⁴

When the need for leave is for reasons 3, 4, or 6 listed above the employee should provide a medical certification from a licensed, practicing health care provider supporting the need for leave at the time the notice for leave is given, but must provide certification at least fifteen (15) days prior to the date the leave is to begin. The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the knowledge of the health care provider regarding the condition. Leave taken for reason 3 listed above, must include certification that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time the employee is needed to provide the care. For reason 4 listed above, the certification must include a statement that the employee is unable to perform the required functions of his/her position.

If FMLA leave is to be taken on an intermittent or reduced work schedule basis for planned medical treatment, the certification shall include the dates on which such treatment is expected to be given and the duration of such treatment.

Second Opinion: In any case where the district has reason to doubt the validity of the certification provided, the district may require, at its expense, the employee to obtain the opinion of a second health care provider designated or approved by the employer. If the second opinion differs from the first, the district may require, at its expense, the employee to obtain a third opinion from a health care provider agreed upon by both the district and the employee. The opinion of the third health care provider shall be considered final and be binding upon both the district and the employee.

Recertification: The district may request the employee obtain a recertification, at the employee's expense, no more often than every thirty (30) days unless one or more of the following circumstances apply;

1. The employee requests an extension of leave;
2. Circumstances described by the previous certification have changed significantly; and/or
3. The district receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the recertification in no more than fifteen (15) calendar days after the district's request.

No second or third opinion on recertification may be required.

G. Sick Leave and Family Medical Leave Act (FMLA) Leave

When an employee takes sick leave, the district shall determine if the leave qualifies for FMLA leave. The district may request additional information from the employee to help make the applicability⁵ determination. If the leave qualifies under the FMLA, the district will notify the employee, either orally or in writing⁶, of the decision within two workdays. If the leave is intermittent or on a reduced schedule as defined in this policy and the circumstances of the leave don't change, the district is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave. To the extent the employee has accrued paid leave; any leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee's accrued leave.

H. Concurrent Leave

The district requires employees to substitute any applicable accrued leave for any part of the twelve (12) week period of FMLA leave. All FMLA leave is unpaid unless substituted by applicable accrued leave.

Workers Compensation: FMLA leave may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will not be charged for any paid leave accrued by the employee. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline the district's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

I. Health Insurance Coverage

The district shall maintain coverage under any group health plan for the duration of FMLA leave the employee takes at the level and under the conditions coverage would have been provided if the employee had continued in active employment with the district. The employee remains responsible for any portion of premium payments customarily paid by the employee. When on unpaid FMLA leave, it is the employee's responsibility to submit his/her portion of the cost of the group health plan coverage to the district's business office on or before it would be made by payroll deduction.

If an employee gives unequivocal notice of intent not to return to work, or if the employment relationship would have terminated if the employee had not taken FMLA leave, the district's obligation to maintain health benefits ceases.

If the employee fails to return from leave after the period of leave to which the employee was entitled has expired, the district may recover the premiums it paid to maintain health care coverage unless:

1. The employee fails to return to work due to the continuation, reoccurrence, or onset of a serious health condition that entitles the employee to leave under reasons 3 or 4 listed above; and/or
2. Other circumstances exist beyond the employee's control.

Circumstances under “1” *listed above* shall be certified by a licensed, practicing health care provider verifying the employee’s inability to return to work.

- J. **Reporting Requirements during Leave:** Employees shall inform the district every two weeks⁶⁷ during FMLA leave of their current status and intent to return to work.
- K. **Return to Work: Medical Certification:** An employee who has taken FMLA leave under reason 4 stated above shall provide the district with certification from a health care provider that the employee is able to resume work.

Return to Previous Position: An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, and authority. The employee may not be restored to a position requiring additional licensure or certification.

Failure to Return to Work: In the event that an employee is unable or fails to return to work, the superintendent will make a determination at that time regarding the documented need for a severance of the employee’s contract due to the inability of the employee to fulfill the responsibilities and requirements of their contract.

- L. **Intermittent or Reduced Schedule Leave:**
Eligible employees may only take intermittent or reduced schedule leave for reasons 1 and 2 listed above if the district agrees to permit such leave upon request of the employee.

Eligible employees may take intermittent or reduced schedule leave due to reasons 3, 4, or 6 listed above if they have

1. made a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and
2. Provided the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Eligible employees requesting intermittent or reduced schedule leave that is foreseeable based on planned medical treatment may be transferred to an alternative position for which the employee is qualified with equivalent pay and benefits that better accommodates the employee’s intermittent or reduced schedule leave.

If an eligible employee who meets the definition of an instructional employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical

treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the district may require the employee to elect either

- (a) to take medical leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- (b) To transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

M. Leave taken by eligible instructional employees near the end of the academic term

- 1. Leave more than 5 weeks prior to end of term.** - If the eligible, instructional employee begins leave, due to reasons 1 through 6 listed above, more than 5 weeks prior to the end of the academic term, the district may require the employee to continue taking leave until the end of such term, if
 - a. the leave is of at least 3 weeks duration; and
 - b. the return to employment would occur during the 3-week period before the end of such term.
- 2. Leave less than 5 weeks prior to end of term** - If the eligible, instructional employee begins leave, due to reasons 1, 2, 3 or 6 listed above or during the period that commences 5 weeks prior to the end of the academic term, the district may require the employee to continue taking leave until the end of such term, if
 - a. the leave is of greater than 2 weeks duration; and
 - b. the return to employment would occur during the 2-week period before the end of such term.
- 3. Leave less than 3 weeks prior to end of term** - If the eligible, instructional employee begins leave, due to reasons 1, 2, 3 or 6 listed above or, during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

¹ The types and amounts of leave available for a particular type of qualifying exigency are covered in 29 C.F.R. § 825.126. A copy of the CFR is available on the policy update website. Unfortunately, the CFR has not been updated since the FMLA law was amended (and will not be for quite a while). The federal regulation amending process is a bit like ADE Rule amendments except MUCH slower. It is likely that the timelines contained within the regulations will remain the same, but there is a broader range of eligible employees including members of the regular Armed Forces.

⁴² Within the context of the FMLA, this is a complicated definition. In an effort to help you be able to apply the definition to the realities of your district, we have attached (as a separate page to the policy) the federal rules which lay out the complexities.

²³ A Department of Labor poster is available at <http://www.dol.gov/esa/regs/compliance/posters/fmla.htm>. Additional forms (one for the employee to take to their health care provider for verification of the reason for his/her leave request and a second one for the district's response to the request for leave) are available at <http://www.dol.gov/esa/whd/fmla/#poster>.

³⁴ It is difficult for the district to "back charge" FMLA leave. If you have reason to ask for a medical certification, it is wise to notify the employee that the leave will be charged against their yearly allotment of FMLA leave when you request the certification. If it turns out that the leave does **not** qualify, you will need to readjust the available FMLA leave accordingly.

⁴⁵ As used in this policy, "applicable" is a very important word. Some leave taken under FMLA also applies to sick leave and therefore, the employee will get paid for the leave to the extent the employee has sick leave accrued. Other leave taken under FMLA is not applicable to sick leave and therefore the FMLA leave is unpaid. For instance, "applicable leave" in terms of time taken under FMLA due to the birth of a child will vary depending on the language in your district's policy on sick leave. For instance, if sick leave may be taken "for reason of personal illness or illness in the immediate family" (based on the statutory definition in 6-17-1202, and an employee gives birth to a child, she may take sick leave for the amount of time that her personal physician deems it necessary for her to physically recover from childbirth. Once the medically necessary time has passed, sick leave is no longer appropriate and cannot be used. While under the FMLA, the employee could take additional time off work, she would need to take unpaid FMLA leave for this purpose, unless she had personal days or vacation days available. However, if your district has a much more liberal definition of sick leave in district policy, the results could be entirely different. Another

example would be the potential for overlap between pregnancy complications that arise to the level of a “serious health condition.” For instance, pregnancy

Complications that rose to the level of a “serious health condition” would qualify for both, while missing work for a dentist’s appointment would qualify for sick leave, but would not qualify for FMLA leave. Consult policy 3.8—CERTIFIED PERSONNEL SICK LEAVE when making the determination of what sick leave qualifies under both policies. It may also be helpful to consult 29 CFR 825.114 which is attached at the end of this policy.

⁵⁶ If the notice is oral, it must be confirmed in writing no later than the following payday (unless the payday is less than one week after the notice, in which case the notice must be no later than the subsequent payday). The written notice may be in any form, including a notation on the employee’s pay stub.

⁶⁷ You may choose the time interval of the required duty to report, but it must be reasonable.

Cross Reference: 3.8—CERTIFIED PERSONNEL SICK LEAVE

Legal References: 29 USC §§ 2601 et seq., 29 CFR 825.100 et seq.

History PPC: 5/7/08

History BOE: 6/14/04, Revised 6/09/08, 4/12/10

8.24 RESERVED FOR FUTURE USE

EFFECTIVE:

History PPC:

History BOE:

8.25 CELL PHONE POLICY

EFFECTIVE: May 11, 2009

- A. Use of cell phones or other electronic communication devices by employees during their designated work time is strictly forbidden unless specifically approved in advance by the superintendent, building principal, or their designees.
- B. All employees are forbidden from using cell phones while driving any district owned vehicle at any time.
- C. Violation of this policy may result in termination or non-renewal.

Legal Reference: A.C.A. § 6-19-120 ADE Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

History PPC:

History BOE: 6/14/04, Revised 5/8/06, 5/11/09

8.26 CLASSIFIED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

EFFECTIVE: July 1, 2011

- A. School employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the principal. The principal or his/her designee shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.
- B. The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.
- C. District staff are required to help enforce implementation of the district's anti-bullying policy. The district's definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the building principal. The report may be made anonymously.
- D. Definitions: **Bullying** means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that causes or creates a clear and present danger of:
1. Physical harm to a public school employee or student or damage to the public school employee's or student's property;
 2. Substantial interference with a student's education or with a public school employee's role in education;
 3. A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
 4. Substantial disruption of the orderly operation of the school or educational environment;
- E. **Electronic act** means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

- F. **Harassment** means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and
- G. **Substantial disruption** means without limitation that any one or more of the following occur as a result of the bullying:
1. Necessary cessation of instruction or educational activities;
 2. Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
 3. Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
 5. Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.
- H. Examples of "Bullying" may include but are not limited to a pattern of behavior involving one or more of the following:
- a. Sarcastic "compliments" about another student's personal appearance,
 - b. Pointed questions intended to embarrass or humiliate,
 - c. Mocking, taunting or belittling,
 - d. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person,
 - e. Demeaning humor relating to a student's race, gender, ethnicity or personal characteristics,
 - f. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
 - g. Blocking access to school property or facilities,
 - h. Deliberate physical contact or injury to person or property,
 - i. Stealing or hiding books or belongings, and/or
 - j. Threats of harm to student(s), possessions, or others.
 - k. Sexual harassment, as governed by policy 3.26, is also a form of bullying.
 - l. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (example: "Slut") or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: "You are so gay." "Fag" "Queer").
- I. A school employee who has reported violations under the school district's policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

Legal Reference: A.C.A. § 6-18-514

<p>History PPC: History BOE: 6/14/04, Revised 5/8/06, 3/12/07, 6/11/07, 3/14/11</p>
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8.27 NONCERTIFIED PERSONNEL LEAVE – INJURY FROM ASSAULT
EFFECTIVE: June 14, 2004

- A. Any employee who, while in the course of their employment, is injured by an assault or other violent act; while intervening in a student fight; while restraining a student; or while protecting a student from harm, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay.
- B. A leave of absence granted under this policy shall not be charged to the employee's sick leave.
- C. In order to obtain leave under this policy, the employee must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the employee to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the employee's employment.

Legal Reference: A.C.A. § 6-17-1308

History PPC:
History BOE: 6/14/04

8.28 DRUG FREE WORKPLACE
EFFECTIVE: May 8, 2006

- A. The conduct of district staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, the district shall have a drug free workplace. It is, therefore, the district's policy that district employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off district property; violations of this policy will subject the employee to discipline, up to and including termination.
- B. To help promote a drug free workplace, the district shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the district's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. (Insert substance abuse resources here.)¹
- C. Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug, or controlled substance or under the influence of alcohol, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the superintendent, the employee may be subject to discipline, up to and including termination.

- D. Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one's vehicle or in an area subject to the employee's control will be considered to be possession as though the substance were on the employee's person.
- E. It shall not be necessary for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/or irrational speech; or the presence of an odor associated with a prohibited substance on one's breath or clothing.
- F. Should an employee desire to provide the District with the results of a blood, breath or urine analysis, such results will be taken into account by the District only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by the District. The District shall not request that the employee be tested, and the expense for such voluntary testing shall be borne by the employee.
- G. Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify his immediate supervisor within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) of being so charged. The supervisor who is notified of such a charge shall notify the Superintendent immediately. If the supervisor is not available to the employee, the employee shall notify the Superintendent within the five (5) day period.
- H. Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify his supervisor or the Superintendent of having been so charged shall result in that employee being recommended for termination by the Superintendent.
- I. Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off district property shall report the conviction within 5 calendar days to the superintendent. Within 10 days of receiving such notification, whether from the employee or any other source, the district shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory and is a condition of employment.
- J. Any employee convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, shall be recommended for termination.
- K. Any employee who must take prescription medication at the direction of the employee's physician, and who is impaired by the prescription medication such that he cannot properly perform his duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by his supervisor, will be sent home. The employee shall be given sick leave, if owed any. The District or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the

employee to contact his physician in order to adjust the medication, if possible, so that the employee may return to his job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he will, again, be sent home and given sick leave, if owed any; Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

- L. Any employee who possesses, uses, distributes or is under the influence of a prescription medication obtained by a means other than his own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance. An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. The District may require an employee to provide proof from his physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the satisfaction of the Superintendent, may result in discipline, up to and including a recommendation of termination.

Notes: ¹ This is where you should insert the drug counseling services, rehabilitation, and employee assistance abuse programs available within your district. For example, "Such services are available from the following sources..."

This policy addresses the requirement for Safe and Drug Free Schools which is required for your district to be eligible to receive **any** federal grants. It is required that all employees receive a copy of the policy and be advised of the contents and requirements of the policy. In addition to publishing a policy statement, the statutes require employers to establish a drug-free awareness program to educate employees about the dangers of drug abuse as well as about the specifics of their policy. The statute does not specify a particular format for the awareness program, although it does state that the education effort must be ongoing and not just a one-time event. For assistance in constructing a drug awareness program the Department of Labor has the following web site: <http://www.dol.gov/asp/programs/drugs/workingpartners/materials/materials.asp>.

This policy is similar to Policy 3.39. If you change this policy, review 3.39 at the same time to ensure consistency between the two.

Legal References: 41 USC § 702, 703, and 706

History PPC:

History BOE: Replaced 8.43 5/8/06,

8.29 CLASSIFIED PERSONNEL VIDEO SURVEILLANCE AND OTHER MONITORING

EFFECTIVE: July 1, 2011

- A. The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding district facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification, data compilation devices, and technology capable of tracking the physical location of district equipment, students, and/or personnel. The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

- B. Signs shall be posted on district property and in or on district vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.
- C. The district shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording.
- D. Videos, automatic identification, or data compilations containing evidence of a violation of district personnel policies and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or staff handbook; any release or viewing of such records shall be in accordance with current law.
- E. Staff who vandalize, damage, defeat, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.
- F. Video recordings and automatic identification or data compilation records may become a part of a staff member's personnel record.

History PPC: Approved 5/22/08
History BOE: Adopted 6/9/08, 3/14/11

8.30 NONCERTIFIED PERSONNEL REDUCTION IN FORCE
EFFECTIVE: June 13, 2005

- A. The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the district as determined by the superintendent.
- B. In effecting a reduction in force, the primary goals of the school district shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards of Accreditation for Arkansas Public Schools and/or the North Central Association; and the needs of the district. A reduction in force will be implemented when the superintendent determines it is advisable to do so and shall be effected through non-renewal, termination, or both. Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the school district in relation to the staffing of the district.
- C. If a reduction in force becomes necessary, the RIF shall be conducted separately for each occupational category of classified personnel identified within the district on the basis of each employee's years of service. The employee within each occupational category with the least years of experience will be laid off first. The employee with the most years of

employment in the district as compared to other employees in the same category shall be laid off last. In the event that employees within a given occupational category have the same length of service to the district the one with the earlier hire date, based on date of board action, will prevail.

- D. All credited years of service must be verified by documents on file with the District by October 1 of the current school year. Each employee's length of service shall be ranked within the category in which he/she has been assigned within the last two years, including the current year. In the event that an employee's assignment is different this school year from the previous school year, separate point totals shall be developed for each category of assignment. All non-certified employees shall receive a listing of the personnel within their category with corresponding point totals. Upon receipt of the list, each employee has ten (10) working days within which to appeal his or her assignment of points with the superintendent whose decision shall be final.
- E. Total years of service to the district shall include non-continuous years of service; in other words, an employee who left the district and returned later will have the total years of service counted, from all periods of employment. Less than a semester in any contract year does not count as a year of service. Length of service in a certified position shall not count for the purpose of length of service for a non-certified position. There is no right or implied right for any employee to "bump" or displace any other employee.
- F. In the event the district is involved in an annexation or consolidation, employees from all the districts involved will be ranked according to years of service. A year of employment at an annexed or consolidated district will be counted the same as a year at the receiving or resulting district. No credit for years of service will be given at other public or private schools, or for higher education or Educational Service Cooperative employment.
- G. Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all employees will be brought into compliance, by a partial RIF if necessary, with the receiving district's salary schedule and further adjustments made if length of contract or job assignments change.
- H. If an employee is non-renewed under this policy, he or she shall be offered an opportunity to fill a vacancy for which he or she is qualified for a period of up to two (2) years. The non-renewed employee shall be recalled for a period of two (2) years in reverse order of the layoff to any position for which he or she is qualified. Notice of vacancies to non-renewed employees shall be by certified mail and they shall have 10 working days from the date that the notification is received in which to accept the offer of a position. A lack of response or a non-renewed employee's refusal of a position shall end the district's obligation to replace the laid-off employee.

***Legal Reference:** A.C.A. § 6-17-2406*

<p>History PPC: History BOE: 6/14/04, Revised 6/13/05</p>

8.31 NONCERTIFIED PERSONNEL TERMINATION AND NON-RENEWAL
EFFECTIVE: June 13, 2005

- A. For procedures relating to the termination and non-renewal of non-certified employees, please refer to the Public School Employee Fair Hearing Act A.C.A. § 6-17-1701 through 1705. The Act specifically is not made a part of this policy by this reference.
- B. A copy of the code is available in the office of the principal of each school building.

Legal Reference: A.C.A. §6-17-2301

History PPC:
History BOE: 6/14/04, Revised 6/13/05, added Legal ref. 5/8/06

8.32 NONCERTIFIED PERSONNEL ASSIGNMENTS
EFFECTIVE: July 1, 2009

- A. The assignment of non-certified personnel shall be made by the Superintendent of Schools or his/her designee. Changes in the assignments may be made, as necessary, due to changes in the student population, teacher changes, and to best meet the educational needs of the students.

Legal Reference: A.C.A. §6-17-2301

History PPC:
History BOE: 6/14/04, Revised 6/13/05, added Legal ref. 5/8/06, 4/13/09

8.33 NON-CERTIFIED PERSONNEL SCHOOL CALENDAR
EFFECTIVE: May 8, 2006

- A. The Superintendent shall present to the PPC a school calendar which the board has adopted as a proposal. The Superintendent, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals. The PPC shall have the time prescribed by law and/or policy in which to make any suggested changes before the board may vote to adopt the calendar.
- B. The South Conway County School District shall operate by the calendar in the appendix.

Legal Reference: A.C.A. § 6-17-2301

History PPC:
History BOE: Adopted 5/8/06

8.34 NONCERTIFIED PERSONNEL WHO ARE MANDATORY REPORTERS DUTY TO REPORT CHILD ABUSE, MALTREATMENT OR NEGLECT
EFFECTIVE: July 1, 2009

- A. It is the statutory duty of certified school district employees who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.
- B. The duty to report suspected child abuse or maltreatment is a direct and personal duty, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief¹. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.
- C. By law, no school district or school district employee may prohibit or restrict an employee or volunteer from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

Legal References: A.C.A. § 12-12-504, 507(b), 517

History PPC:
History BOE: Adopted 6/09/08 Revised 6/8/09

8.35 RELEASE of STUDENT'S FREE and REDUCED PRICE MEAL ELIGIBILITY INFORMATION

EFFECTIVE: May 11, 2009

- A. As part of the district's participation in the National School Lunch Program and the School Breakfast Program, the district collects eligibility data from its students. The data's confidentiality is very important and is governed by federal law. The district has made the determination to release student eligibility status or information¹ as permitted by law. Federal law governs how eligibility data may be released and to whom. The district will take the following steps to ensure its confidentiality:

- B. Some data may be released to government agencies or programs authorized by law to receive such data without parental consent, while other data may only be released after obtaining parental consent. In both instances, allowable information shall only be released on a need to know basis to individuals authorized to receive the data. The recipients shall sign an agreement with the district specifying the names or titles of the persons who may have access to the eligibility information. The agreement shall further specify the specific purpose(s) for which the data will be used and how the recipient(s) shall protect the data from further, unauthorized disclosures.
- C. The superintendent shall designate the staff member(s) responsible for making eligibility determinations. Release of eligibility information to other district staff shall be limited to as few individuals as possible who shall have a specific need to know such information to perform their job responsibilities. Principals, counselors, teachers, and administrators shall not have routine access to eligibility information or status.
- D. Each staff person with access to individual eligibility information shall be notified of their personal liability for its unauthorized disclosure and shall receive appropriate training on the laws governing the restrictions of such information.²

Legal References: Commissioner’s Memos IA-05-018, FIN 09-041, and IA 99-011, ADE Eligibility Manual for School Meals Revised July 2008, 7 CFR 210.1 – 210.31, 7 CFR 220.1 – 220.22, 42 USC 1758(b)(6)

History PPC:
History BOE: Adopted 5/11/09

8.36 NONCERTIFIED PERSONNEL WORKPLACE INJURIES and WORKERS’ COMPENSATION **EFFECTIVE: July 1, 2009**

- A. The district provides Workers’ Compensation Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify their immediate supervisor, or in the absence of their immediate supervisor notify Patti Wingo. An injured employee must fill out a Form N and the employee’s supervisor will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment or lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.
- B. For injuries requiring medical attention, the district will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic.
- C. Workers’ Compensation absences may be designated as FMLA absences when the criteria are met under FMLA for a serious health condition.

- D. An employee who is absent from work due to a workplace injury or receiving temporary disability benefits due to a Workers' Compensation claim will utilize any sick leave accumulation he or she may have at the rate of 1/3 of a sick leave day for day of absence to bring the total amount of combined income up to 100% of usual contracted pay, unless the employee gives the school district written notice to not use sick leave days in this manner. No employee may realize a net compensation gain from a combination of Workers' Compensation benefits and sick leave in excess of contracted pay. Sick leave days used for workplace injuries will not be restored to the employee.

Cross Reference: 3.32 CERTIFIED PERSONNEL FAMILY MEDICAL LEAVE

Legal References: Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE, A.C.A. § 11-9-508(d)(5)(A), A.C.A. § 11-9-514(a)(3)(A)(i)

History PPC: Approved 6/9/09

History BOE: Adopted 6/8/09

8.37 CLASSIFIED PERSONNEL SOCIAL NETWORKING AND ETHICS **EFFECTIVE: July 1, 2011**

- A. Technology used appropriately gives faculty new opportunities to engage students. District staff are encouraged to use educational technology, the Internet, and professional/education social networks to raise student achievement and to improve communication with parents and students. Technology and social networking websites also offer staff many ways they can present themselves unprofessionally and/or interact with students inappropriately.
- B. It is the duty of each staff member to appropriately manage all interactions with students, regardless of whether contact or interaction with a student occurs face-to-face or by means of technology, to ensure that the appropriate staff/student relationship is maintained. This includes instances when students initiate contact or behave inappropriately themselves.
- C. Public school employees are, and always have been, held to a high standard of behavior. Staff members are reminded that whether specific sorts of contacts are permitted or not specifically forbidden by policy, they will be held to a high standard of conduct in all their interactions with students. Failure to create, enforce and maintain appropriate professional and interpersonal boundaries with students could adversely affect the District's relationship with the community and jeopardize the employee's employment with the district.
- D. The Arkansas Department of Education *Rules Governing the Code of Ethics for Arkansas Educators* requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The School Board of Directors encourages all staff to read and become familiar with the Rules. Conduct in violation of the *Rules Governing the Code of Ethics for Arkansas Educators*, including, but not limited to conduct relating to the inappropriate use of technology or online resources, may be reported to the Professional License Standards Board (PLSB) and may form the basis for disciplinary action up to and including termination.

E. Definitions:

1. Social networking websites are online groups of Internet users allowing communication between multiple individuals. The fundamental purpose of social networking websites is to socialize. Examples include, but are not limited to, Facebook, MySpace, and Twitter. Staff members are discouraged from creating personal social networking sites to which they invite students to be friends or followers.¹ Employees taking such action do so at their own risk and are advised to monitor the site's privacy settings regularly.
2. Professional/education social networks are education oriented websites designed to allow and encourage teachers and students to communicate and collaborate around school subjects and projects. District employees may set up blogs and other professional/education social networking accounts using District resources and following District guidelines¹ to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction. Accessing professional/education social networks during school hours is permitted.
3. Blogs are a type of networking and can be either social or professional in their orientation. Professional blogs are encouraged and can provide a place for teachers to post homework, keep parents up-to-date, and interact with students concerning school related activities. Social blogs are discouraged to the extent they involve teachers and students in a non-education oriented format.

F. Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability. A good rule of thumb for staff to use is, "if you wouldn't say it in class, don't say it online."

G. Whether permitted or not specifically forbidden by policy, or when expressed in an adult-to-adult, face-to-face context, what in other mediums of expression could remain private opinions, when expressed by staff on a social networking website, have the potential to be disseminated far beyond the speaker's desire or intention. This could undermine the public's perception of the individual's fitness to educate students, thus undermining the teacher's effectiveness. In this way, the expression and publication of such opinions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment.

H. Accessing social networking websites for personal use during school hours is prohibited, except during breaks or preparation periods. Staff are discouraged from accessing social networking websites on personal equipment during their breaks and/or preparation periods because, while this is not prohibited, it may give the public appearance that such access is occurring during instructional time. Staff shall not access social networking websites using district equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of administration. All school district employees who participate in social networking websites shall not post any school district data, documents, photographs, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

- I. Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden²
1. Sharing personal landline or cell phone numbers with students;
 2. Text messaging students;
 3. Emailing students other than through and to school controlled and monitored accounts;
 4. Soliciting students as friends or contacts on social networking websites;
 5. Accepting the solicitation of students as friends or contacts on social networking websites;
 6. Creation of administratively approved and sanctioned “groups” on social networking websites that permit the broadcast of information without granting students access to staff member’s personal information;
 7. Sharing personal websites or other media access information with students through which the staff member would share personal information and occurrences.

Notes: While this policy is not required by any statute, ASBA strongly recommends adopting it after consulting with staff for localizing purposes. This policy is similar to policy 8.37. If you change this policy, review 8.37 at the same time to ensure applicable consistency between the two.

¹ The policy’s separate definitions for “social networking websites” and “professional/education social networks” are important. Districts are encouraged to establish “professional/education social networks” as an acceptable means of teacher and district communication with students and parents. This can serve to discourage inappropriate staff/student interactions on “social networking websites.” ASBA strongly suggests using the discussions for modifying/personalizing this policy as a means for generating the acceptable guidelines and procedures for staff creation of private “professional/education social networks”. We recommend **NOT** incorporating the guidelines into the policy, but have them available for all staff to review. Incorporating them into the policy will make it much harder to change them if the need arises.

² What is and is not acceptable staff/student interaction on social networking websites is an education community decision, and will vary from district to district. As a general rule, the greater the degree of real-life connections and interactivity between staff and students that normally occur in the community, the greater the tolerance will be for virtual connections and interactivity. Use the following list to help guide discussions with staff to determine which items should be included in the policy and with what modifications/stipulations. It is as important to include in the policy what is permitted as what is **not** permitted. Your discussions may elicit additional bullets to include in the policy.

Legal Reference: *RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS*

History PPC:
History BOE: 3/14/11

8.38 CLASSIFIED PERSONNEL VACATIONS

EFFECTIVE: July 1, 2011

- A. **240 day contracted employees are credited with 10 days of vacation¹ at the beginning of each fiscal year. This is based on the assumption that a full contract year will be worked.** If an employee fails to finish the contract year due to resignation or termination, the employee’s final check will be reduced at the rate of .833 days per month, or major portion of a month, for any days used but not earned.
- B. All vacation time must be approved by the superintendent who shall consider the staffing needs of the district in making his/her determination.²

- C. No employee shall be entitled to more than 15 days of vacation as of the first day of each fiscal year. The permissible carry forward includes the 10 days credited upon the start of the fiscal year. Employees having accrued vacation totaling more than 15 days as of the date this policy is implemented shall not be eligible to increase the number of days carried forward during their employment with the district.

History PPC:
History BOE: 3/14/11

8.39 DEPOSITING COLLECTED FUNDS

EFFECTIVE: Upon Committee Approval

- A. From time to time, staff members may collect funds in the course of their employment. It is the responsibility of any staff member to deposit such funds they have collected at least daily into the appropriate accounts for which they have been collected. The Superintendent or his/her designee shall be responsible for determining the need for receipts for funds collected and other record keeping requirements and of notifying staff of the requirements.
- B. Staff that use any funds collected in the course of their employment for personal purposes, or who deposit such funds in a personal account, may be subject to discipline up to and including termination.

History PPC:
History BOE: 3/14/11

8.40 RETIRING CLASSIFIED EMPLOYEES

EFFECTIVE: July 1, 2009

- A. All classified personnel who have been employed for ten (10) years with the South Conway County School District would have the option to retire under the following policy:
1. Have at least twenty-five (25) years of total service with the Arkansas Teacher Retirement System.
- OR**
2. Reached the age of fifty-five (55) years.
 3. In order to receive payment, said employee must notify the Superintendent of the Schools in writing by September 1st of the school year in which he or she will retire.
 4. A waiver of the September 1st deadline may be granted at the discretion of the Superintendent.

B. Having met the above requirement enables an employee to receive payment for his/her unused accumulated days. The method of reimbursement will be a percentage of the employee's daily salary based upon the number of days in their contract.

- 25 % of the employee's daily salary for sick days accumulated of 1-30
- 30 % of the employee's daily salary for sick days accumulated of 31-60
- 35 % of the employee's daily salary for sick days accumulated of 61-90
- 40 % of the employee's daily salary for sick days accumulated of 91-120

C. The South Conway County School District shall also award a one-hundred dollar (\$100) bonus for every year of service in this school district.

D. The maximum retirement benefit is capped at \$10,000, which includes the reimbursement for unused sick days PLUS years of service to this district.

E. The Superintendent of Schools has the right to grant exceptions based upon exigent circumstances.

F. Employee must sign a waiver stating that accepting the district retirement will mean they are not eligible for any unemployment benefits.

History PPC:
History BOE: Adopted 6/14/04, Revised 4/17/06, 4/13/09

8.41 CONTRACT RETURNS **EFFECTIVE: June 14, 2004**

A. An employee shall have thirty (30) days from the date of the receipt of his contract for the following school year in which to return the contract, signed, to the office of the Superintendent. The date of receipt of the contract shall be presumed to be the date of a cover memo which will be attached to the contract.

B. Failure of an employee to return the signed contract to the office of the Superintendent within thirty (30) days of the receipt of the contract shall operate as a resignation by the employee. No further action on the part of the employee, the Superintendent, or the School Board shall be required in order to make the employee's resignation final.

Legal Reference: A.C.A. § 6-17-1506 (c) (1)

History PPC:
History BOE: 6/14/04

8.42 RESIGNATION

EFFECTIVE: June 14, 2004

- A. An employee desiring to terminate his/her employment is required to submit a written resignation at least two (2) weeks in advance, setting forth his/her reasons for resigning.

History PPC:
History BOE: 6/14/04

8.43 PERSONAL HABITS

EFFECTIVE: June 14, 2004

- A. All employees will conduct themselves in a manner that shall bring credit to the schools and to the community.
- B. Objectionable language shall not be used around school buildings.
- C. Punctuality is a must.
- D. The employee must be dependable in all assigned tasks.
- E. The employee will notify their immediate supervisor when it is necessary to be tardy or absent.
- F. Bus Drivers and maintenance employees will not be required to wear a school related shirt with jeans.

History PPC:
History BOE: 6/14/04, Revised 6/8/09

8.44 MATERNITY LEAVE

EFFECTIVE: June 14, 2004

- A. A classified employee who becomes pregnant shall provide written notice thereof to her principal and the Superintendent within thirty (30) days of the foreseeable leave.
- B. In order to promote continuity of instruction, classified staff members may be allowed to work as long as they are physically able, provided they furnish notification no less than six weeks prior to the termination of their duties, and further provided that the classified employee furnish a physician's statement at the Board's discretion that the said classified employee is physically able to perform her work duties.

- C. Sick leave may be used as a maternity leave.
- D. **If** a classified employee delivers during the summer, she has the following options:
 1. Return to her position after presenting the school principal with a written notice from her physician that she is physically fit for full-time employment.
 2. Return at the beginning of the second semester, or
 3. Request a year's maternity leave.**If** a delivers during the first semester, she has the following options:
 1. Return to her position after presenting the school principal with written notice from her physician that she is physically fit for full-time employment.
 2. Return at the beginning of the second semester, or
 3. Request maternity leave for the remainder of the school year.**If** a classified employee delivers during the second semester, she has the following options:
 1. Return to her position after presenting the school principal with written notice from her physician that she is physically fit for full-time employment, or
 2. Request maternity leave for the remainder of the school year.
- E. It is the professional responsibility of the classified employee to declare her intentions to the administration as soon as possible in order that a competent replacement may be secured. The classified employee must declare her intentions no later than three weeks after delivery barring unforeseen medial complications.
- F. Maternity leave may be granted without pay at the option of the classified employee.
- G. Two weeks' notice will be given to the school principal before the classified employee expects to begin employment. Upon re-employment, all benefits to which said classified employee was entitled at the time her maternity leave commenced will be restored to her.
- H. Re-employment will be guaranteed through the first day following termination of the leave option request, but not beyond this time. On return to service, the classified employee will be re-employed at her previous position.

History PPC:
History BOE: 6/14/04

8.45 CATASTROPHIC LEAVE

EFFECTIVE: July 1, 2009

- A. **RATIONALE:** Such a bank would make it possible for full-time employees with large amounts of accumulated sick leave to donate it to the bank. Employees would have the reassurance that paid leave would be available if a catastrophe occurred.

B. PURPOSE: The purpose of this policy is to grant to its participants extended leave above and beyond regular leave in instances of catastrophic health care conditions, accidents or events suffered by the member, their spouse, their children, their parents, or person(s) for whom they are the primary legal guardian.

C. DEFINITIONS:

1. Catastrophic health condition: An instance of catastrophic health care conditions, accidents or events suffered by the member, their spouse, their children, their parents, or person(s) for whom they are the legal guardian which requires an employee's unexpected absence from duty for a prolonged period of time in which all the employee's earned leave days are exhausted.
2. Catastrophic leave: means paid leave, which is transferred to a leave recipient from the Catastrophic Leave Pool.
3. Catastrophic Leave Pool: A pool of accrued sick leave voluntarily donated by fulltime employees, which may be approved by the leave pool committee for use by other full-time Classified and classified employees who are pool members.
4. Catastrophic Leave Committee: Each school building will have one representative elected by the teachers. Representatives will serve a term of three years. In order to keep some consistency, three buildings will elect new representatives in May of 2003 for the 2003-2004 school year. The other two buildings will elect their representatives in May of the 2004-2005 school year. This will provide a rotation of committee members from each building. The Superintendent will appoint two administrative representatives to serve a three-year term. The district bookkeeper will be a standing member of the committee and represent the classified personnel.
 - a. Morrilton High School will elect a representative for the 2003-2004 school year. All other buildings will have an election, chosen by lots, and conducted by the personnel Policy Committee.
5. Employee: A person who has been employed for one calendar year by the South Conway County School District and who is compensated on a full time basis (full time will be a person who works a minimum of six hours a day and receives full sick leave benefits - ten days per year).
6. Leave Donor: An employee whose voluntary written request to donate sick leave to the catastrophic leave pool has been approved by the committee. No employee shall be allowed to be a leave donor if such donation will reduce that employee's accrued sick leave to less than nine (9) days. All contributions to the leave bank must be made on a Catastrophic Leave Contribution Form and forwarded to their building representative or person designated by their building representative to receive them. Each building representative has the responsibility of making sure that these contribution forms are turned in to the central office.
7. Leave Recipient: An employee who is currently a leave pool member as defined by this policy for whom the committee has approved an application to receive catastrophic leave from the catastrophic leave pool bank.
8. Serious Medical Condition: A disastrous situation in which an employee is incapacitated and therefore prevented from the performance of assigned duties due to a disability, serious illness or injury of the member, their spouse, their children, their parents, or person(s) for whom they are the legal guardian that requires the employee's absence from duty as documented by a physician for a

prolonged period of time. Examples of items not normally covered by this policy include short-term illnesses, accidents covered by workmen's compensation or routine pregnancy. If, however, it is necessary for an employee to remain away from work for more than six weeks during a pregnancy, according to a doctor's recommendation, that employee is eligible to apply for relief from the sick leave pool. The committee may require a second opinion by the physician of their choice.

9. Prolonged Period of Time: Ten (10) or more consecutive days whereby a serious medical condition or injury prevents the employee from performing the employee's assigned duties.
10. Catastrophic Leave Pool Member: A current full-time employee, for at least one calendar year, who has accrued ten (10) days of leave at the time of donation. To qualify for membership in the bank, the employee must voluntarily contribute one of their sick leave days to the bank each school calendar year during the designated times established by the committee. With a one-day contribution to the bank, that employee remains a qualified member for that school year. Once a day has been contributed to the bank, that day is exclusively owned by the bank and cannot be retrieved by the donor under any circumstances. Membership must be renewed each school year with a minimum of a one-day donation. If a member drops out, they must meet initial requirements to rejoin.
11. Sick Leave Year: The sick leave year shall be the same as the employees contracted year for the current school calendar year.

D. GENERAL INFORMATION

1. Catastrophic leave may only be donated or granted in full day increments with no limit. No half/partial days can be donated or granted.
2. While a leave recipient is on catastrophic leave, he/she will receive normal district benefits.
3. No employee shall be allowed to be a leave donor if such donation will reduce that employee's accrued sick leave to less than nine (9) days.
4. Days granted to a recipient do not require repayment.
5. Days donated shall be filed and recorded at central office with district bookkeeper.
6. Membership must be renewed each contracted school year with a minimum of a one-day donation.
7. Donations may not take place simultaneously with an application for withdrawal from the pool.
8. Donations of leave to the pool may only be made during times designated by the catastrophic leave committee.
9. District wide request for donations to the pool will be made each fall for the current school year. Donations made in the spring will be designated for the forthcoming school year. Unlimited days may be donated in the spring.
10. Additional request for donations to the pool will be made at the discretion the catastrophic leave pool committee from members and nonmembers and may waive application deadlines in order to gain days from potential members.
11. Any unused catastrophic leave will be returned to the pool in the event the employee is terminated, or returns to work prior to the expiration of the previously approved catastrophic leave period.

12. Catastrophic Leave, which would result in a negative balance in the Catastrophic Leave Pool, shall not be approved.
13. Catastrophic leave shall not be awarded prior to the date the request is received for processing. Thus it cannot be awarded retroactively. The leave will be based on the request date, not the approved date.
14. The committee shall have a chairperson and a recording secretary elected by the committee.
15. All operational rules, governing bylaws, and procedural requirements can be amended by a majority vote of the catastrophic leave bank membership. Final approval of all operational rules, governing bylaws and procedural requirements is at the discretion of the South Conway County School Board of Education.
16. A quorum of the committee consisting of a least six (6) members must be present to conduct official business. A majority of those present will be necessary to approve action on any issue.

E. REVIEW GUIDELINES- All requests will be reviewed using the following parameters:

1. The applicant must be a current member and all accumulated leave and leave due for the current year must first be used.
2. All applications requesting leave must be submitted on the Catastrophic Leave Application. Applications can be acquired through your building representative. Because of the nature of catastrophic illness/injury employees may be unable to make application for themselves. In such cases, persons other than the district employee can request leave on your behalf. The completed application shall be given to a committee member. Although no employee can be granted leave until he/she has used all available leave, an application may be completed and given to the committee member before all available leave is used. Applying early may be advantageous to the applicant since the leave will be based on the date the request is received.
3. No member shall be approved for leave unless the employee has provided a completed application and acceptable medical certification from a physician supporting the continued absence, and setting forth that the member, their spouse, their children, their parents or the person for whom they are the legal guardian is and will continue to be incapacitated therefore prohibiting the employee from performing their duties due to the illness or injury. Information relative to the employee's assigned duties, such a functional job descriptions, may be made available to the physician. The committee may request a second opinion by a doctor of their choice.
4. In no case shall catastrophic leave be granted beyond the date the physician certifies that the employee is able to return to work the committee may request a second opinion by a doctor of their choice.
5. Applications for leave shall be reviewed on a first filed, first considered basis.
6. No employee shall be approved for catastrophic leave if he/she is currently receiving workmen's compensation or Social Security disability benefits.
7. The catastrophic leave committee will meet and vote within five (5) working days of receiving a complete application. The decision of the committee will be made in writing. The decision of the committee will be final.
8. The leave committee reviews and determines which applications will be granted. The committee will vote by secret ballot to determine if the applicant is eligible.

In event that a member cannot be present for the voting they may cast an absentee vote. Eligibility will be determined by a majority vote. The committee may vote to grant full request, a portion of the request, or to deny the request by a majority vote. The applicant or his/her family will be notified of the decision in writing as soon as possible. Copies of the application and written decision will be turned in to the central office as soon as possible.

9. Applicants who have had a leave request denied may reapply if their circumstances change. It will be the employee's responsibility to provide data and information of any changes that could affect their disability leave.
 10. All matters, decisions and records will remain confidential among committee members.
 11. Records of donors/recipients will be kept in the central office of the South Conway County School District.
- F. When the catastrophic leave pool exceeds 3000 days, the contribution of one sick day for the school year will not be required. Those who are current members at the time the pool exceeds 3000 days will continue membership. Employees who are not current members, but meet eligibility guidelines, may become members upon contribution of one sick day to the pool.

Legal Reference: A.C.A. § 6-17-1208

History PPC:
History BOE: 6/14/04, Revised 5/11/09

8.46 INSULT OR ABUSE OF CLASSIFIED PERSONNEL

EFFECTIVE: June 14, 2004

- A. Employees are protected from abusive language and conduct by state law. An employee may report to the police any language which is calculated to:
1. Cause a breach of the peace;
 2. Materially and substantially interfere with the operation of the school; and/or
 3. Arouse the person to whom the language is addressed to anger, to the extent likely to cause imminent retaliation.

Legal Reference: A.C.A. § 6-17-106

History PPC:
History BOE: 6/14/04

8.47 TITLE VI (RACE), TITLE IX (SEX), SECTION 504 (HANDICAP)

EFFECTIVE: June 14, 2004

Every employee of the South Conway County School District is guaranteed the right to present his grievance, in accordance with the provisions of this policy, free from interference, coercion, restraint, discrimination or reprisal.

A. DEFINITIONS

1. Discrimination Complaint: A written complaint alleging any policy, procedure or practice which discriminates on the basis of race, color, national origin, sex, qualified handicap or age.
2. Employee Grievant: An employee of the South Conway County School District who submits a complaint alleging discrimination based on race, color, sex, national origin, religion, age, qualified handicap or veteran.
3. Equity Coordinator: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Laws and other State and Federal Laws addressing equal educational opportunity. The Coordinator is responsible for processing complaints.
4. Respondent: The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisor responsibility for procedures and policies in those areas covered in the complaint.
5. Day: Means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays and holidays.
6. Immediate Supervisor: That employee possessing that degree of administrative authority next in rank above grievant, unless the respondent is the immediate supervisor.
7. Policy Application: A complaint or dispute of an employee regarding the application, meaning or interpretation of personnel policies as they affect the work activity of such employee. Compensation, hours and other working conditions shall not be deemed proper subjects for consideration under the grievance procedure except as it applies to alleged inequities within the school district.

The following procedures will be used for filing, processing, and resolving alleged Title VI (race, Title IX (sex), Section 504 (handicap), discrimination and policy application complaints of employees.

B. PRE-FILING PROCEDURES

1. Prior to the filing of a written complaint, the employee is encouraged to visit with the Equity Coordinator and reasonable effort should be made to resolve the problem or complaint. Individuals who need assistance in initiating the procedure under this policy should contact the equity coordinator.

C. FILING AND PROCESSING DISCRIMINATION AND POLICY COMPLAINTS

1. Step I: The grievant submits a written complaint to the equity coordinator stating name, nature and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within thirty (30) days of alleged violation. Complaint forms are available in the school office or the equity coordinator's office.

The equity coordinator notifies the respondent within five (5) days and asks respondent to:

- a. Confirm or deny facts;
- b. Indicate acceptance or rejection of employees' requested action; or
- c. Outline alternatives.

The respondent submits an answer within five (5) days to equity coordinator.

The equity coordinator within five (5) days after receiving respondents' answer refers the written complaint and respondent's answer to the principal or other designee. The equity coordinator also schedules a hearing with the grievant, the respondent and the principal.

The principal issues within five (5) days after the hearing a written decision to the employee, respondent and equity coordinator. If the grievant or respondent is not satisfied with the decision, they must notify the equity coordinator within five (5) days and request a hearing with the Superintendent.

2. Step II: The equity coordinator schedules within five (5) days of request a hearing with the grievant, respondent and the Superintendent.

The Superintendent of Schools issues a decision within five (5) days following the hearing. If the grievant or respondent is not satisfied with the decision, they must notify the equity coordinator within five (5) days and request a hearing with the Board of Education.

3. Step III: The equity coordinator notifies the Board of Education within five (5) days after receiving the request. The equity coordinator schedules a hearing with the Board of Education. A hearing is to be conducted within thirty (30) days from the date of notification to the Board of Education.

The Board of Education issues a final written decision within five (5) days after the hearing regarding the validity of the grievance and any action to be taken.

D. GENERAL PROVISIONS

1. Extension of Time: Any time limits set by these procedures may be extended by mutual consent of parties involved. The total number of days from the date that complaint is filed until complaint is resolved shall be no more than 180 days.
2. Access to Records and Regulations: The South Conway County School District shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, qualified handicap or veteran upon request. All parties to the grievance procedures shall have the right to examine any and all records relating to the complaint. For the purpose of confidentiality, names may be omitted.

3. Confidentiality of Records: Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel and/or permanent record file. Complaint records shall be maintained on file for three years after complaint resolution.
4. Hearing: All hearings will be conducted in accordance with due process procedures. At the third step the following procedures will apply:
 - a. All parties will be provided with an appropriate amount of time, as established by the governing board, for a general presentation of the situation;
 - b. Each party will be provided the opportunity to provide witnesses and evidence and the right to question opposing witnesses concerning the situation;
 - c. Each party will have the right to be represented in whole or in part by a person of his/her own choosing;
 - d. The grievance hearing will be held in public, unless either the grievant or the Superintendent of Schools requests that it be closed.

Legal References: Title IX Regulations of 1975; Civil Rights Act of 1964; Educational Amendments of 1972; Rehabilitation Act of 1973.

History PPC:
History BOE: 6/14/04

8.48 PERSONNEL RECORDS

EFFECTIVE: June 14, 2004

- A. The Board of Education shall require complete and current personnel records on all classified personnel.
- B. All employees must file with the Central Office, before the first pay-period, the following credentials as required by the State law and by the policies of the South Conway County School District. Maintenance of up-to-date credentials and records shall be the responsibility of the employee:
 1. Income Tax withholding form
 2. Health certificate
 3. Certification of tuberculin skin test (*for new personnel*)
 4. Social Security number (*at time of employment*)
 5. Up-to-date mailing address and telephone number
 6. Arkansas Teacher Certificate or Administrator's Certificate
 7. Teacher Retirement Application (*birth certificate and copy of Social Security card must be filed with application*)
 8. Up-to-date transcript of college training (*complete and official*)
 9. Background check paid for by District.

- C. Failure to meet these requirements will be considered an inability on the part of the employee to meet legal and certification requirements.

History PPC:
History BOE: 6/14/04

**8.49 CLASSIFIED PERSONNEL -PAID HOLIDAYS – MAINTENANCE
CUSTODIAL** **EFFECTIVE: June 14, 2004**

July 4	1 Day
Labor Day	1 Day
Thanksgiving	2 Days (Thursday & Friday)
Christmas	2 Days (12/24-12/25)
New Years Day	1 Day (1/1)
Good Friday	1 Day (If no students)
Memorial Day	1 Day
TOTAL	9 Days

HOLIDAYS WILL NOT APPLY FOR EMPLOYEES WHO ARE NOT UNDER CONTRACT.

History PPC:
History BOE: 6/14/04