

CONCEPTS AND ROLES

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

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

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

The School Board

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

The Superintendent or Designee

1. Appoints all certificated and classified personnel subject to the approval of the Board. Board approval is not required for substitute or temporary employees.
2. Disciplines employees, including suspension and dismissal, whenever there is sufficient evidence warranting any such action. The employee who is suspended without pay or dismissed may appeal to the Board in writing within ten (10) days after the effective date of the disciplinary action.
3. With the staff, assigns, directs and supervises the work of all employees with due regard for the individual rights involved.
4. Proposes wage schedules for staff members not covered by an employee organization agreement, and advises the Board throughout bargaining with employee organizations on all matters being bargained.

(cf. 6181 - Charter School)

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

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

BP 4000(b)

CONCEPTS AND ROLES (continued)

Working Relationships Between Board and Superintendent or Designee

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

(cf. 4144 - Grievances /Complaints)

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

Legal Reference:

ALASKA STATUTES

14.08.101 Powers (regional school board)

14.08.111 Duties (regional school board)

14.14.060 Relationship between borough school district and borough

14.14.065 Relationship between city school district and city

14.20.095 Right to comment and criticize not to be restricted

23.40.070-23.40.260 Public Employment Relations Act (PERA)

39.25.110 Exempt service

**HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09**

Additions shown in *highlighted italic text*

Deletions shown in ~~strikethrough text~~

All Personnel

BP 4020(a)

DRUG AND ALCOHOL-FREE WORKPLACE

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

The Superintendent shall:

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

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

2. Establish a drug and alcohol awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace.
 - b. The District policy of maintaining drug-free and alcohol-free workplaces.
 - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs known to the District.
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification from an employee, or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice from an employee, or otherwise, of a conviction for a violation in the workplace. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and District policy and practices.
5. Make a good faith effort to maintain a drug- and alcohol-free workplace throughout the District.

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

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

BP 4020(b)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

(cf. 3514 - Safety)
(cf. 4117.4 - Dismissal)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4159 - Employee Assistance Programs)
(cf. 4158/4358 - Employee Security)
(cf. 4218.1 - Drug and Alcohol Testing for School Bus Drivers)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

THE DRUG-FREE WORKPLACE ACT OF 1988
DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1986, as amended
CONTROLLED SUBSTANCES ACT, 21 U.S.C. 801
21 CODE OF FEDERAL REGULATIONS
1300 - 1316

HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09

DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES

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

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

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

Signature

Date

Printed Name

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

BP 4030

NONDISCRIMINATION IN EMPLOYMENT

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

(cf. 4119.11 - Sexual harassment)

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

(cf. 4119.41 - Employees with Infectious Disease)

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

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

Legal Reference:

ALASKA STATUTES

14.18.010 *Discrimination based on sex and race prohibited*
14.18.020 *Discrimination in employment prohibited*
14.18.090 *Enforcement by state board of education*
18.80.220 *Unlawful employment practices*
39.90.100 *Nondiscrimination – Protection for whistleblowers*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.510 *Discrimination in hiring practices*

UNITED STATES CODE

29 U.S.C. 621-634 *Age Discrimination In Employment Act*
29 U.S.C. 791 et seq. *Vocational Rehabilitation Act of 1973, Sections 503 and 504*
38 U.S.C. 2011 et seq. *Vietnam Era Veterans' Act*
42 U.S.C. Ch. 21F *Prohibiting Employment Discrimination on the Basis of Genetic Information*
42 U.S.C. 2000d-2000d-7 *Title VI of the Civil Rights Act*
42 U.S.C. 2000e-2000e-17 *The Equal Employment Opportunities Act*
42 U.S.C. 12101-12213 *Americans With Disabilities Act*

HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09

EMPLOYEE NOTICE PROTECTION FOR WHISTLEBLOWERS

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

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

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

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

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

RECRUITMENT AND SELECTION

Note: Effective for the 2016-2017 school year, the federal Every Student Succeeds Act has eliminated the requirement that teachers be "highly qualified." Rather, teachers should be fully licensed and endorsed in each subject they are teaching.

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

1. Assessment of the District's needs to determine those areas where specific skills, knowledge and abilities are lacking.
2. Development of position specifications which accurately portray the position, including requirements that a teacher be highly qualified in accordance with federal and state law.
3. Dissemination of vacancy announcements to ensure a wide range of candidates, when necessary. ~~For classified positions, dissemination of vacancy announcements outside of the community is not required.~~
4. Screening procedures which will identify the best possible candidates for interviews.
5. Interview procedures which will determine the best qualified candidate for recommendation to the Board.

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

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

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

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

RECRUITMENT AND SELECTION (continued)

Note: A subject-matter expert teacher, holding a limited certificate issued by the Department, may be employed to teach subjects in which the person has satisfied the education or experience requirements set out in state statute AS 14.20.022. Before a school district determines whether to hire a person as a subject-matter expert teacher, the school district must administer a competency examination. Additionally, once a subject-matter expert teacher is hired, the district must provide a mentor who is an experienced teacher for the subject-matter expert teacher for at least the first year of the subject-matter expert teacher's employment in the school district. A person employed as a subject-matter expert teacher under this section is considered a certificated employee for purposes of the teachers' retirement system. Finally, employment as a subject-matter expert teacher counts as employment for purposes of acquiring tenure; however, a person holding a subject-matter expert limited teacher certificate is not entitled to tenure until the person receives a teacher certificate under AS 14.20.022.

(cf. 4112.8 - Employment of Relatives)

Note: AS 14.20.020 requires coursework in Alaska studies and multicultural education or cross-cultural communications in order to be eligible for a teacher certificate. Effective June 30, 2017, AS 14.20.020 also requires training on alcohol and drug related disabilities, sexual abuse and sexual assault awareness and prevention, dating violence and abuse awareness and prevention and suicide prevention in order to be eligible for a teacher certification. AS 14.20.035 requires districts to give preference to applicants who demonstrate training or experience that indicates sensitivity to the traditions and cultures represented in the student population.

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

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4111.1/4211.1/4311.1 - Affirmative Action)
(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

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

(cf. 6181 - Charter School)

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

Legal Reference:

- ALASKA STATUTES
- 14.08.111 Duties (regional school boards)
- 14.14.090 Additional duties
- 14.20.010 Teacher Certificate Required**
- 14.20.022 Subject-matter expert limited teacher certificate
- 14.20.035 Evaluation of training and experience
- 14.20.100 Unlawful to require statement of religious or political affiliation

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

Certificated Personnel

BP 4111(b)

RECRUITMENT AND SELECTION (continued)

Legal Reference (continued):

ALASKA STATUTES (continued)

14.20.110 Penalty for violation of AS 14.20.100

ALASKA ADMINISTRATIVE CODE

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

6 AAC 30.810 Employer records

6 AAC 30.840 Retention of records

UNITED STATES CODE, TITLE 8

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

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 8

~~*274(a) Control of Employment of Aliens*~~

Every Student Succeeds Act, 20 U.S.C. 6301, et. Seq. (P.L. 114-95 December 10, 2015)

**HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09**

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

BP 4111.2

4211.2

LEGAL STATUS REQUIREMENT

4311.2

The District shall hire only citizens and aliens who are lawfully authorized to work in the United States. District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111/4211 - Recruitment and Selection)

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

Legal Reference:

UNITED STATES CODE, TITLE 8

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

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a) Control of Employment of Aliens

**HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09**

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

AR 4111.2(a)

4211.2

LEGAL STATUS REQUIREMENT

4311.2

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

Group A - Documents Establishing Both Work Authorization and Identity

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

Group B - Documents Establishing Identity

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

Group C - Documents Establishing Work Eligibility

1. A U.S. Social Security card issued by the Social Security Administration, other than one stating it is not valid for employment.
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350).
3. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States, bearing an official seal.
4. A Native American tribal document.
5. A U.S. Citizen ID Card (INS Form I-197).
6. An ID Card for use of Resident Citizen in the United States (INS Form I-179).

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

AR 4111.2(b)
4211.2
4311.2

LEGAL STATUS REQUIREMENT (continued)

7. An unexpired employment authorization document issued by the INS, other than those listed in Group A.

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

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

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

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

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

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

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

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

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

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

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

All Personnel

AR 4111.2(c)
4211.2
4311.2

LEGAL STATUS REQUIREMENT (continued)

All I-9 forms shall be kept together in a separate file for at least three years from the hiring date. I-9 forms shall be kept for all employees hired after November 6, 1986.

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

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

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

Additions shown in *highlighted italic text*
Deletions shown in ~~strikethrough text~~

Certificated Personnel

BP 4112.1

CONTRACTS

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

After January 1, the Superintendent or designee may issue teacher contracts for the following school year, subject to Board approval. Contracts approved by the Board shall be signed by at least two board members.

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

Reemployment contracts shall be given, *emailed* or mailed to certificated employees who are not dismissed or given notice of nonretention or layoff in accordance with law. If a certificated employee fails to sign and return the contract to the Superintendent or designee within 30 days after receipt of the contract of reemployment, the certificated employee shall be deemed to have declined reemployment and *the Board* shall terminate the employee's services at the expiration of the existing contract. An employee on family leave must comply with the 30-day deadline.

(cf. 4117.4 - Dismissals)
(cf. 4117.6 - Nonretention)
(cf. 4119.21 - Code of Ethics)

Legal Reference:

ALASKA STATUTES

14.20.130 *Employment of teachers and administrators*
14.20.145 *Automatic Reemployment*
14.20.158 *Continued contract provisions*
14.20.010 *Teacher certificate required*
14.20.020 *Requirements for issuance of certificate*
14.20.120 *Statement of qualifications*
14.20.215 *Definitions*
14.20.620 - 14.20.650 *Interstate agreement on qualification of educational personnel*
14.30.250 *Teacher qualifications*

ALASKA ADMINISTRATIVE CODE

4 AAC 05.080 *School curriculum and personnel*
4 AAC 12.010-4 AAC 12.900 *Certification of professional personnel*
4 AAC 18.010 *Teachers' and administrators' contracts*
4 AAC 18.021 *Employment of substitute teachers*

HYDABURG CITY SCHOOL DISTRICT
ADOPTED: 12/07/09