

MEMORANDUM: 2014 Model Policy Updates – Fourth Quarter

SECTION 200: SCHOOL BOARD

215 – Duties of the Board. This policy has been generally updated to include additional duties of the board per Idaho statute.

Recommendation: Accept as written

SECTION 400: PERSONNEL

404.50 – Information on Past Job Performance. The language in this policy has been updated to clarify the requirements of Idaho Code Section 33-1210 with regard to applicants and obtaining past job performance information. **404.50F1 – Release and Authorization Form (No Prior Public School Experience) and 404.50F2 – Release and Authorization Form (Prior Public School Experience)** were slightly modified.

Recommendation: Accept 1st italicized paragraph. Do not accept 2nd italics paragraph. Accept Forms.

407 – FMLA. NO POLICY TO REVIEW: CLARIFICATION COMMENTS: This policy was released in the 3rd quarter set of model policy updates and is not provided in this policy set. This description is meant to clarify the definition of “spouse”. Under the current definition of spouse, eligible employees may take FMLA leave to care for a same-sex spouse only if the employee resides in a state that recognizes same-sex marriages. Idaho now recognizes same-sex marriage; therefore, FMLA protections extend to all legally married couples, whether opposite-sex or same-sex. I had mentioned a proposed rule change to the definition, which is still on the table; however, with the recent recognition of same-sex marriage in Idaho, a rule change will not affect FMLA protections as applied to Idaho employees. Reminder, the employee must still be a spouse in a legally recognized marriage and not a “significant other” or “domestic partner”.

411 – Personnel Files. Idaho Code Section 33-517 was revised during the 2014 legislative session to provide for a noncertificated personnel file that is consistent with 33-518; therefore, all personnel files should contain the same materials, and provide for notice of the addition of new materials and an opportunity for rebuttal. The policy was further updated to more closely mirror the statutory provisions related to personnel files.

Recommendation: Accept Italics

492 – Outside Employment. This policy is NEW and establishes guidelines for employees who work at another position outside of the district while continuing to work for the district. Generally, employees are allowed to obtain outside employment so long as it does not affect their ability to work for the district; they are not in a position that would result in a conflict of interest; and the outside employment is approved by the district (optional). **492F1 – Request for Approval** has been provided for those districts that want their employees to notify and obtain approval for outside employment.

Recommendation: Do not accept italics

SECTION 500: STUDENTS

559 – Food Allergies. This policy is NEW was developed to address the rising concerns associated with food allergies in schools. Students with severe food allergies may require the administration of epinephrine; therefore, it is advisable that districts consider adopting Policy No. 560, Epinephrine Auto-Injectors, in conjunction with this policy to allow for schools to maintain and administer epinephrine in case of emergency.

Recommendation: Accept Epinephrine paragraph. Reject other italics.

SECTION 900: BUILDINGS AND SITES

906 – Asbestos Management Plan. This policy is NEW and REQUIRED by federal law and should, therefore, be adopted immediately. Under the Asbestos Hazard Emergency Response Act (AHERA), school districts are required to develop, maintain, and update asbestos management plans and to keep a complete, updated copy at the district office and each school office. If a school fails to conduct an asbestos inspection or develop a management plan, the Environmental Protection Agency (EPA) can fine the school up to \$5,000. Additionally, schools are required to provide **annual** notice on the availability of the school's plan and any asbestos related actions taken or planned in the school (see **906F1 – Annual Notification Letter**). For more information on school asbestos management plans, a sample plan, and sample forms go to:

<http://www2.epa.gov/asbestos/school-buildings#management>.

Recommend: accept italics.

980 – Bloodborne Pathogens. This policy is NEW and has been developed in accordance with OSHA's Bloodborne Pathogen Standard. It provides guidance for minimizing or eliminating occupational exposure to bloodborne pathogens (infectious microorganisms) that can result in contracting disease. **980F1 – Exposure Control Plan (ECP)** is a sample procedure provided by OSHA for implementing effective controls that eliminate or minimize such risk. Employees with occupational exposure are to be provided with a hepatitis B vaccination. Should an employee decline the vaccine, use **980F2 – Hepatitis B Vaccine Declination Form**, which contains required language.

Recommend: Discuss italics for need and practicality.