

**POLICY TITLE: Involuntary Leave of Absence**

**Minidoka County Joint School District # 331**

**POLICY NO:**

**D404.95**

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Leaves of Absence

The Board believes that the provision of leaves in addition to the contractual leaves provided by the Master Agreement helps to attract and retain staff members who will continue to grow professionally, maintain their physical health, and have a feeling of security.

The Board has the authority to grant any employee's request for a leave of absence. A leave of absence may be at the request of the employee or may be done involuntarily by action of the Board. The Board may also delegate this authority to a designee and has done so with regard to Unpaid Leave of Absence as outlined in Policy 404.94.

Involuntary Leave of Absence ~~[ALTERNATIVE 1: Delegation of Authority~~

Through this policy, the Board has delegated this ongoing authority to the Superintendent, both with regard to acceptance of an employee's request for leave of absence as well as an action of placing a certificated employee on an involuntarily leave of absence.

Upon the Superintendent's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Superintendent at the next regularly scheduled meeting of the Board or at a special meeting of the Board should the next regularly scheduled meeting of the Board not be within a period of 21 days from the date of the action. Whether such leave is with pay or without pay shall be determined when applying the appropriate principles of Section 33-513(7), Idaho Code.

~~A Superintendent's acceptance of a certificated employee's request for leave of absence shall be put before the Board for ratification at the next regularly scheduled meeting of the Board or within twenty-one (21) days, whichever comes first.]~~

~~[OPTIONAL ADDITION TO ALTERNATIVE 1: The Superintendent is delegated the authority to address classified personnel leave without notification to the Board and is delegated authority to address classified personnel discipline and termination without Board approval.]~~

~~[ALTERNATIVE 2: Retaining Authority~~

~~The Board has not delegated authority for the Superintendent to accept an employee's request for administrative leave or to place a certificated employee on a period of involuntary leave of absence.]~~

**OPTIONAL: Considerations for Involuntary Leave**

If the Superintendent or Board is making a decision as to whether or not to place an employee on a period of involuntary leave of absence, some of the considerations in making such a decision may include:

1. Whether or not the conduct at issue involves a possible:
  - A. Criminal act;
  - B. Violation of the Code of Ethics for Idaho Professional Educators;
  - C. A violation of federal or state education laws or regulations; or
  - D. A violation of District Policy and/or Procedure.
2. Whether or not the conduct at issue involves the health, welfare, or safety of the District's students or employees.
3. Whether or not there is an event identified.
4. If the event involves an allegation of abuse of a student or minor, is there an "identified victim" or some other information that provides indicia of credibility.
5. If the event involves an allegation of abuse of a student or minor, is the report in question anonymous or are there any other indicia of credibility.
6. Whether or not there is an identified victim or identified event that the District could investigate.
7. Whether or not there a concern that the presence of the employee on school property could be detrimental to the investigation process and/or a concern that the employee and/or the presence of the employee interfere with the investigation process.
8. Whether or not there is an ongoing/related criminal investigation associated with the same alleged event or allegations.

**LEGAL REFERENCE:**

42 USC 2000(e) Equal Employment Opportunities  
I.C. § 33-513 Professional Personnel

**ADOPTED:****AMENDED:**