

CODES OF ETHICS

BP 4119.21

The School Board expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program.

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Members of the teaching profession are obligated by law to abide by the code of ethics and professional standards adopted by the Professional Teaching Practices Commission (20 AAC 10.010). Employees who violate provisions of the code of ethics and professional standards may be subject to disciplinary action, up to and including termination. The district may report any violation of the code of ethics to the Professional Teaching Practices Commission.

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.25 - Political Activities of Employees)

Legal Reference:

ALASKA STATUTES

14.20.170 Dismissal

14.20.370 - 14.20.510 Professional Teaching Practices Act

ALASKA ADMINISTRATIVE CODE

4 AAC 06.765 Testing Security; Consequences of Breach

4 AAC 18.010 Teachers' and administrators' contracts

20 AAC 10.010 - 10.900 Professional Teaching Practices Commission

Added 4/11

Reviewed 12/2014

Reviewed 8/2021

All Personnel

BP 4119.21

CODES OF ETHICS

4219.21

4319.21

The School Board expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program.

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Note: Pursuant to 4 AAC 18.010 all teacher contracts must state that the teacher is obligated to abide by the code of ethics and professional standards adopted by the Professional Teaching Practices Commission. See E 4119.21.

Members of the teaching profession are obligated by law to abide by the code of ethics and professional standards adopted by the Professional Teaching Practices Commission (20 AAC 10.010). Employees who violate provisions of the code of ethics and professional standards may be subject to disciplinary action, up to and including termination. The district may report any violation of the code of ethics to the Professional Teaching Practices Commission.

Note: 20 AAC 10.310 requires that copies of the PTPC Handbook for Alaskan Educators be conspicuous and available at every educational institution.

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.25 - Political Activities of Employees)

Legal Reference:

ALASKA STATUTES

14.20.170 Dismissal

14.20.370 - 14.20.510 Professional Teaching Practices Act

ALASKA ADMINISTRATIVE CODE

4 AAC 06.765 Testing Security; Consequences of Breach

4 AAC 18.010 Teachers' and administrators' contracts

20 AAC 10.010 - 10.900 Professional Teaching Practices Commission

Revised 9/01

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS

- (a) The following code of ethics and professional teaching standards of the Professional Teaching Practices Commission governs all members of the teaching profession. A violation of this section constitutes grounds for revocation or suspension of certification as provided in AS 14.20.030.
- (b) In fulfilling obligations to students, an educator
 - (1) may not restrain a student from independent action in the student's pursuit of learning or deny the student access to varying points of view without reasonable cause;
 - (2) may not deliberately suppress or distort subject matter relevant to a student's progress;
 - (3) shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety;
 - (4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
 - (5) may not expose a student to unnecessary embarrassment or disparagement;
 - (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
 - (7) may not use professional relationships with students for private advantage or gain;
 - (8) shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves a compelling professional purposes or is required by law;
 - (9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.
- (c) In fulfilling obligations to the public, an educator
 - (1) may not misrepresent an institution or organization with which the educator is affiliated;

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS
(continued)

- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institutional or organization with which the educator is affiliated;
 - (3) may not knowingly distort or misrepresent facts concerning educational matters in direct and indirect public expressions;
 - (4) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities;
 - (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
 - (6) may not accept a gratuity, gift or favor that might influence or appear to influence professional judgment, nor offer a gratuity, gift, or favor to obtain special advantage.
- (d) In fulfilling obligations to the profession, an educator
- (1) may not discriminate on the grounds of race, color, creed, sex, or national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or personnel evaluation;
 - (2) shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
 - (3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
 - (4) may not sexually harass a fellow employee;
 - (5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
 - (6) shall provide upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;
 - (7) may not deliberately misrepresent the educator's or another's professional qualifications;
 - (8) may not submit fraudulent information on any document in connection with professional activities;

20 AAC 10.020
CODE OF ETHICS AND TEACHING STANDARDS
(continued)

- (9) may not knowingly distort an evaluation of the educator's or another's professional performance;
- (10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;
- (11) may not intentionally file a false or malicious complaint with the commission;
- (12) may not seek reprisal against any individual who has filed a complaint, provided testimony, or given other assistance in support of a complaint filed with the commission;
- (13) shall cooperate fully and honestly in investigations and hearings of the commission;
- (14) may not knowingly withhold or distort information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
- (15) may not unlawfully breach a professional employment contract;
- (16) shall conduct professional business through appropriate channels;
- (17) may not assign tasks to unqualified personnel;
- (18) may not continue in or seek professional employment while unfit due to:
 - (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;
 - (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues.

UNAUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION

District employees shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to executive sessions, negotiations and student records, including individual test results, are not subject to public disclosure.

(cf. 1340 - Access to District Records)

Any employee who willfully releases confidential information about students, staff, or any topic properly confined to an executive session shall be subject to disciplinary action up to and including dismissal from district service. Any action by an employee which inadvertently or carelessly results in release of confidential information shall be recorded, and the record shall be placed in the employee's personnel file.

Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 3580 - District Records)
(cf. 5125 - Student Records; Confidentiality)
(cf. 6146.3(AR) - Test Administration)
(cf. 9321 - Executive Sessions)

Legal References:

ALASKA STATUTES

14.03.115 Access to school records by parent, foster parent, or guardian
14.14.090 Additional duties
09.25.120-25.220 Public Records Act
23.40.235 Public Involvement in School District Negotiations

ALASKA ADMINISTRATIVE CODE

4 AAC 06.738 Standards-Based Test Results
4 AAC 06.758 High School Graduation Qualifying Examination Results
4 AAC 06.765 Test Security; Consequences of Breach

UNITED STATES CODE, TITLE 20

1232g FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982)

Revised 4/11
Reviewed 12/2014
Reviewed 8/2021

All Personnel

BP 4119.23

4219.23

UNAUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION

4319.23

District employees shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to executive sessions, negotiations and student records, including individual test results, are not subject to public disclosure.

(cf. 1340 - Access to District Records)

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(cf. 3580 - District Records)

(cf. 5125 - Student Records; Confidentiality)

(cf. 6146.3(AR) - Test Administration)

(cf. 9321 - Executive Sessions)

Legal References:

ALASKA STATUTES

14.03.115 *Access to school records by parent, foster parent, or guardian*

14.14.090 *Additional duties*

09.25.120-25.220 *Public Records Act*

23.40.235 *Public Involvement in School District Negotiations*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.738 *Standards-Based Test Results*

4 AAC 06.758 *High School Graduation Qualifying Examination Results*

4 AAC 06.765 *Test Security; Consequences of Breach*

UNITED STATES CODE, TITLE 20

1232g FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982)

Revised 9/2000

All Personnel

BP 4119.25
4219.25
4319.25

POLITICAL ACTIVITIES OF EMPLOYEES

The School Board believes that district employees have an obligation to prevent the improper use of school time, materials or facilities for political or partisan purposes. The Superintendent or designee shall regulate political activities on school property during the instructional day. Employees are prohibited from engaging in any activity in the presence of students during performance of the employee's duties, where the activity is designed or intended to promote, further, or assert a position on any voting issue, board issue, or collective bargaining issue. This prohibition does not apply to classroom instruction that is part of the approved curriculum.

The Board respects the right of school employees to engage in political activities on their own time. When engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of the district.

Nothing in the policy shall prevent the District or Board from disseminating factual information regarding school bond projects.

(cf. 4119.21 - Code of Ethics)

Legal Reference:

ALASKA STATUTES

- 14.03.090 Sectarian or denominational doctrines prohibited*
- 14.20.095 Right to comment and criticize not to be restricted*
- 14.20.370-.510 Professional Teaching Practices Act*

ALASKA ADMINISTRATIVE CODE

- 4 AAC 06.135 Use of school funds in elections*
- 20 AAC 10.010-10.900 Professional Teaching Practices Commission*

Revised 4/11

Reviewed 12/2014

Revised to AASB Update: 06/2019

Reviewed 08/2021

All Personnel

BP 4119.25

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

The School Board believes that district employees have an obligation to prevent the improper use of school time, materials or facilities for political campaign purposes. The Superintendent or designee shall regulate political activities on school property. All employees are prohibited from engaging in any activity in the presence of students during performance of the employee's duties, where the activity is designed or intended to promote, further, or assert a position on any voting issue, board issue, or collective bargaining issue.

The Board respects the right of school employees to engage in political activities on their own time. When engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of the district.

Violations of this policy may result in disciplinary action.

(cf. 4119.21 - Code of Ethics)

Legal Reference:

ALASKA STATUTES

14.03.090 *Sectarian or denominational doctrines prohibited*

14.20.095 *Right to comment and criticize not to be restricted*

14.20.370-.510 *Professional Teaching Practices Act*

ALASKA ADMINISTRATIVE CODE

20 AAC 10.010-10.900 *Professional Teaching Practices Commission*

Revised 9/01

All Personnel

AR 4119.25

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

Under no circumstances shall district employees:

1. Conduct political activities on school property during duty hours.
2. Solicit campaign support or contributions on school property during duty hours.
3. Use school equipment for the reproduction of campaign materials.
4. Post or distribute campaign materials on school property.
5. Permit the use of students to write, address or distribute campaign materials.

DUTIES OF PERSONNEL

The School Board recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4115/4215/4315 - Evaluation/Supervision)
(cf. 4118/4218/4318 - Suspension/Disciplinary Action)

Legal Reference:

AMERICANS WITH DISABILITIES ACT, P.L. 101-336
42 U.S.C. 12101 et seq.

Reviewed 12/2014
Reviewed 8/2021

DUTIES OF PERSONNEL

Note: By requiring employers to reasonably accommodate persons with disabilities who are capable of performing the job, the Americans with Disabilities Act spotlights the need for complete, specific job descriptions. Job descriptions are expected to play an important part in implementing this federal law.

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(cf. 4030 - Nondiscrimination in Employment)
(cf. 4115/4215/4315 - Evaluation/Supervision)
(cf. 4118/4218/4318 - Suspension/Disciplinary Action)

Legal Reference:

AMERICANS WITH DISABILITIES ACT, P.L. 101-336
42 U.S.C. 12101 et seq.

EMPLOYEES WITH INFECTIOUS DISEASE

The School Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

(cf. 4112.4/4212.4/4312.4 – Health Examinations)
(cf. 5113 - Absences and Excuses)

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

To the extent required by law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231/4331 - Staff Development)

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

(cf. 6114 - Emergencies and Disaster Preparedness Plan)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.31 - Immunizations)

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease.

ALL PERSONNEL

BP 4119.41(b)

EMPLOYEES WITH INFECTIOUS DISEASE

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease and is a qualifying individual with a disability under the Americans with Disabilities Act, Section 504 of the Federal Rehabilitation Act, or Alaska's Nondiscrimination in Employment Act.

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described by law.

(cf. 4030 - Nondiscrimination in Employment)

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

(cf. 4040 – Use and Disclosure of Employee Medical Information)

Legal References:

UNITED STATES CODE

*Americans with Disabilities Act, 42 U.S.C. 12010, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, et seq.*

CODE OF FEDERAL REGULATIONS, TITLE 17

*17 C.F.R. 2500 Reportable diseases and conditions
17 C.F.R. 2508 Reporting of communicable diseases; duty of schools*

ALASKA ADMINISTRATIVE CODE

*4 AAC 06.140 AIDS in school personnel
4 AAC 06.150 Confidentiality of AIDS information*

Adopted: 06/2019

Reviewed 8/2021

EMPLOYEES WITH INFECTIOUS DISEASE

Note: The Americans with Disabilities Act defines AIDS as a physical disability. School districts have a legal obligation to determine on a case by case basis, based on sound medical information, whether an HIV-infected employee can remain and work in the school environment. Employers are required to reasonably accommodate a disabled person.

Section 504 of the Federal Rehabilitation Act of 1973 provides that no otherwise qualified handicapped person may, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. In School Board of Nassau County, Fla. v. Arline (408 U.S. 273 (1987)), the U.S. Supreme Court extended this law's protection to employees significantly impaired by infectious diseases.

The School Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Note: The Center for Disease Control guidelines on AIDS/HIV state that the risk of HIV transmission is not posed by the kind of nonsexual, person-to-person contact generally occurring in workplaces other than those where body fluids may be exchanged, such as the workplace of a health care worker.

Decisions regarding reasonable accommodation of employees with infectious diseases should be made in consultation with one or more medical doctors, including the employee's physician, and with legal counsel. When the district's medical expert, the employee's treating physician and the district's legal counsel do not agree as to what accommodation is reasonable, the Superintendent may convene a medical review panel consisting of a public health physician with expertise in infectious disease, the employee's treating physician, the employee and/or employee's representative, and the Superintendent or designee. All determinations regarding reasonable accommodation should be reviewed by legal counsel.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk.
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition.
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting.

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Legal Reference: (See next page)

BP 4119.41(c)
4219.41
4319.41

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 06.140 *AIDS in school personnel*

4 AAC 06.150 *Confidentiality of AIDS information*

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

BP 4119.42
4219.42
4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The School Board shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first-aide providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

(cf. 4119.43 - Universal Precautions)
(cf. 4157 - Employee Safety)

Legal Reference:

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA Bloodborne Pathogens Standards

Reviewed 11/2014
Reviewed 8/2021

AR 4119.42(a)
4219.42
4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." (Title 8, Section 5193(b))

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions." (29 CFR 1910.1030 (b))

Exposure Control Plan

The district's Exposure Control Plan shall contain at least the following components: (29 CFR 1910.1030 (c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including but not be limited to:
 - a. Universal precautions

(cf. 4119.43 - Universal Precautions)

- b. Engineering and work practice controls to eliminate or minimize employee exposure
- c. Provision of personal protective equipment
- d. Housekeeping schedules
- e. Hepatitis B vaccination
- f. Post-exposure evaluation and follow-up
- g. Informing employees about biohazards, including:
 - (1) Labels and signs, and
 - (2) Training

AR 4119.42(b)

4219.42

4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

- h. Maintenance of training and medical records
- 3. The district's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

- 1. Reflect new or modified tasks and procedures affecting occupational exposure.
- 2. Reflect new or revised employee positions with occupational exposure.

The district's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

Exposure Determination

The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

- 1. All job classifications in which all employees have occupational exposure to bloodborne pathogens.
- 2. Job classifications in which some employees have occupational exposure.
- 3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above. (29 CFR 1910.1030(c))

Reviewed 8/2021

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

Information and Training

The district shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Exposure Incidents: Post-evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (29 CFR 1910.1030(f))

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus three years. Training records shall be maintained for three years from the date of training. (29 CFR 1910.1030(h))

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. (29 CFR 1910.1030(h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law (29 CFR 1910.1030(h)).

*Reviewed 11/2014
Reviewed 8/2021*

Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. (E 4119.42) (29 CFR 1910.1030 (f)(2))

Protective Equipment

The district shall provide appropriate personal protective equipment at no cost to the employee. Protective equipment will be chosen based on anticipated exposure to blood, or other potentially infectious materials. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (29 CFR 1910.1030 (c)(2))

Hepatitis B Vaccine Declination

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signature

Employee Name (Please print)

Date

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Note: Pursuant to the Code of Federal Regulations, Title 29, Part 1910.1030, employers must identify employees who have occupational exposure to bloodborne pathogens and must, by March 8, 1993, establish a written Exposure Control Plan to eliminate or minimize employee exposure to these pathogens. Districts may want to consult legal counsel regarding whether components of its exposure control plan are subject to collective bargaining.

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

Note: We recognize that implementing OSHA bloodborne pathogens standards involves many fiscal and personal considerations. Districts may want to narrowly construe their exposure determination, keeping in mind it may be necessary to broaden this determination based on their evaluation of exposure incidents and experience with unvaccinated designated first aid providers. The following optional paragraphs may be combined, modified or deleted as appropriate to assist the district in establishing an exposure determination which satisfies district needs.

The School Board shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

Note: The following optional paragraph may allow the district to spread the cost of vaccination over several years but may be implemented only if the district complies with specific conditions (see accompanying administrative regulations).

The Superintendent or designee may exempt designated first-aide providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Note: The following paragraph allows for employees to be included in the training and vaccination program without being classified as having occupational exposure.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

BP 4119.42(b)
4219.42
4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

Note: Districts may encourage employees who do not have occupational exposure, yet feel they may be at risk for other reasons, to seek vaccination through their health care provider. Some doctors and insurance groups are willing to support vaccination.

(cf. 4119.43 - Universal Precautions)
(cf. 4157 - Employee Safety)

Legal Reference:

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA Bloodborne Pathogens Standards

revised 9/93

All Personnel

AR 4119.42(a)
4219.42
4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Note: The following sample regulation is based on Title 8, Section 5193, which contains specific requirements for compliance with OSHA standards for preventing exposure to bloodborne pathogens.

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." (Title 8, Section 5193(b))

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions." (29 CFR 1910.1030 (b))

Exposure Control Plan

The district's Exposure Control Plan shall contain at least the following components: (29 CFR 1910.1030 (c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including but not be limited to:
 - a. Universal precautions

(cf. 4119.43 - Universal Precautions)

- b. Engineering and work practice controls
- c. Personal protective equipment
- d. Housekeeping schedules
- e. Hepatitis B vaccination
- f. Post-exposure evaluation and follow-up
- g. Informing employees about biohazards, including:
 - (1) Labels and signs, and
 - (2) Training

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

- h. Maintenance of training and medical records
3. The district's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

- 1. Reflect new or modified tasks and procedures affecting occupational exposure.
- 2. Reflect new or revised employee positions with occupational exposure.

The district's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

Exposure Determination

The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

- 1. All job classifications in which all employees have occupational exposure to bloodborne pathogens.
- 2. Job classifications in which some employees have occupational exposure.
- 3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above. (29 CFR 1910.1030(c))

Hepatitis B Vaccination

Note: The hepatitis B vaccination must be made available at no cost after an employee with occupational exposure has received the required training and within 10 days of initial assignment unless the employee has been previously vaccinated, is immune or vaccination is contraindicated by other factors. If the employee declines to accept hepatitis B vaccination offered by the district, the district must ensure that he/she signs the statement reproduced as an exhibit following this regulation.

AR 4119.42(c)
4219.42
4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. (E 4119.42) (29 CFR 1910.1030 (f)(2))

Protective Equipment

The district shall provide appropriate personal protective equipment at no cost to the employee. Protective equipment will be chosen based on anticipated exposure to blood, or other potentially infectious materials. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (29 CFR 1910.1030 (c)(2))

Information and Training

The district shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Note: Title 29 of the Code of Federal Regulations does not apply to employees who assist in nonemployment-related first-aid situations as "good Samaritans." While employees are not covered by the bloodborne standards if their exposure is unrelated to their job duties, OSHA encourages employers to offer post-evaluation and follow-up to all employees.

Exposure Incidents: Post-evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (29 CFR 1910.1030(f))

Note: Districts should obtain permission from the source individual before disclosing confidential information about that source individual, in accordance with law. Legal counsel should be consulted regarding existing rules for the contents and format of consent forms.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

AR 4119.42(d)
4219.42
4319.42

**EXPOSURE CONTROL PLAN FOR
BLOODBORNE PATHOGENS (continued)**

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus three years. Training records shall be maintained for three years from the date of training. (29 CFR 1910.1030(h))

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. (29 CFR 1910.1030(h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law (29 CFR 1910.1030(h))

added 9/93

E 4119.42
4219.42
4319.42

Hepatitis B Vaccine Declination

Note: The code of Regulations, requires the district to ensure that the following statement is signed by any employee who declines to accept the hepatitis B vaccination offered by the district.

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signature

Employee Name (Please print)

Date

added 9/93

BP 4119.43
4219.43
4319.43

UNIVERSAL PRECAUTIONS

Universal precautions shall be observed throughout the district to protect employees, students and any other persons in the school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether blood borne pathogens are known to be present.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 6145.2 - Interscholastic Competition)

Legal Reference:

Occupational Safety & Health Standards
Alaska Department of Labor

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA Bloodborne Pathogens Standards

Added 4/11
Reviewed 12/2014
Reviewed 8/2021

All Personnel

BP 4119.43
4219.43
4319.43

UNIVERSAL PRECAUTIONS

Note: Pursuant to the Code of Federal Regulations, Title 29 CFR 1910.1030, all employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials.

Universal precautions shall be observed throughout the district to protect employees, students and any other persons in the school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether blood borne pathogens are know to be present.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 6145.2 - Interscholastic Competition)

Legal Reference:

Occupational Safety & Health Standards
Alaska Department of Labor

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA Bloodborne Pathogens Standards

added 9/93

AR 4119.43(a)
4219.43
4319.43

UNIVERSAL PRECAUTIONS

"Universal Precautions" is an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens. (29 CFR 1910.1030 (b))

Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects or surfaces.
 - b. Immediately after removing gloves, gowns or smocks.
 - c. Before eating, drinking or feeding.
 - d. Before handling food, cleaning utensils or kitchen equipment.
 - e. Before and after using the toilet or diapering.

When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.

Personnel

AR 4119.43(b)
4219.43
4319.43

3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant.
4. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes and other sharp disposable objects in leak-proof, puncture proof containers.
 - c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus or feces in the sanitary sewer system.
5. Do not care for others' injuries if you have any uncovered bleeding or oozing wounds or nonintact skin conditions.
6. Use a mouthpiece, resuscitation bag or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report any exposure incident or first-aid incident in accordance with the district's Exposure Control Plan or other procedures.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

*Added 4/11
Reviewed 12/2014
Reviewed 8/2021*

UNIVERSAL PRECAUTIONS

Note: The following regulation may be revised as desired. The Federal Code of Regulations, 29 CFR 1910.1030 states that all body fluids must be considered potentially infectious whenever it is difficult or impossible to differentiate between body fluid types. Infected individuals themselves do not always know they are infected; therefore, universal precautions offer the best protection for everyone.

"Universal Precautions" is an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens. (29 CFR 1910.1030 (b))

Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects or surfaces.
 - b. Immediately after removing gloves, gowns or smocks.
 - c. Before eating, drinking or feeding.
 - d. Before handling food, cleaning utensils or kitchen equipment.
 - e. Before and after using the toilet or diapering.

UNIVERSAL PRECAUTIONS (continued)

- When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.
3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant.
 4. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes and other sharp disposable objects in leak-proof, puncture proof containers.
 - c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus or feces in the sanitary sewer system.
 5. Do not care for others' injuries if you have any uncovered bleeding or oozing wounds or nonintact skin conditions.
 6. Use a mouthpiece, resuscitation bag or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report any exposure incident or first-aid incident in accordance with the district's Exposure Control Plan or other procedures.

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

added 9/93

Certificated Personnel

BP 4122

STUDENT TEACHERS

The School Board is legitimately interested in the quality of teacher training programs and encourages the use of student teachers in the district. Such use shall support the instructional needs of the district and may enable future teachers to fulfill state requirements, learn how to teach, and receive valuable feedback which can enhance their competence.

The Superintendent or designee may enter into agreements with accredited colleges and universities to allow student teachers to have supervised teaching experiences and/or observations within the district. The Superintendent or designee may collaborate with the program administrators of teacher preparation institutions to jointly develop, supervise and evaluate practical programs which provide training, support and evaluation for the student teacher.

Legal Reference:

ALASKA ADMINISTRATIVE CODE
4 AAC 30.020 Student teachers

Added 4/11

Reviewed 12/2014

Reviewed 8/2021

STUDENT TEACHERS

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Legal Reference:

ALASKA ADMINISTRATIVE CODE
4 AAC 30.020 Student teachers

CERTIFIED STAFF DEVELOPMENT

BP 4131

The School Board recognizes that a competent well-trained staff is essential to carrying out its goals. In compliance with federal and state law, the Superintendent or designee is to develop a plan to ensure that all teachers of core academic subjects be highly qualified by the end of the 2005-2006 school year. Staff development is a necessary, continuous and systematic effort to improve district educational programs by involving all employees in activities that improve their skills and broaden their perceptions. In order to respond directly to the needs of our students, staff development activities may address teacher qualifications, content areas, methodology, interpersonal relations between students and faculty, student growth and development, and staff communication, problem solving and decision making. The Superintendent is responsible for ensuring that all training required by law is provided in a timely fashion to appropriate staff. (cf. 5131.6 - Alcohol and Other Drugs)(cf. 5141.5 - Child Abuse Reporting) The Superintendent or designee should provide the staff with development which may include opportunities such as the following:

1. Released time and leaves of absence for travel and study.
2. Visits to other classrooms and other schools.
3. Conferences involving outside personnel from the district, county, state, region or nation.
4. Membership in committees drawing personnel from various sources.
5. Training classes and workshops offered by the district.
6. Further training in institutions of higher learning, including credit courses conducted in or near the district instead of on the college campus, whenever possible.
7. Access to professional literature on education issues.

(cf. 4116 - Nontenured/Tenured Status) Legal Reference:

ALASKA STATUTES

14.08.111 Duties (Regional School Boards) 14.14.090 Additional Duties 14.18.060 Discrimination in textbooks and instructional materials prohibited 14.20.680 Required alcohol and drug related disabilities training

Enrolled SB 137 (2012) (uncodified law) Requiring suicide awareness and prevention training for certain school personnel

47.17.022 Training (child protection)

ALASKA ADMINISTRATIVE CODE 4 AAC 06.530 Guidance and counseling services 4 AAC 06.550 Review of instructional materials 4 AAC 19.060 Evaluation Training 4 AAC 52.260 Personnel Development

Section 1119 of the No Child Left Behind Act of 2001, P.L. 107-110

Revised 3/2013

Reviewed 8/2021

CERTIFICATED STAFF DEVELOPMENT

Note: Under state law, staff training is mandated in evaluative techniques, child abuse recognition and reporting, the needs of students with alcohol or drug abuse disabilities, sexual abuse and sexual assault awareness, dating violence and abuse, crisis response, crisis intervention and suicide awareness and prevention. School Districts must ensure that no less than 50 percent of the total certificated staff employed by the district receives all of the training not less than every two years and that all of the certificated staff employed by the district receives all of the training not less than every four years. AS 14.08.111(12); AS 14.14.090(11); AS 14.16.020(9). A school district shall provide suicide awareness and prevention training to each teacher, administrator, counselor and specialist who is employed by the school district to provide services to students. AS 14.30.362. Effective June 30, 2017, a school district shall establish a training program for employees relating to sexual abuse and sexual assault awareness and prevention and dating violence and abuse awareness and prevention. AS 14.30.355; AS 14.30.356. Additionally, effective June 30, 2017, a person is not eligible for a teacher certificate unless he or she has completed required training set forth in AS 14.20.020. AS 14.33.127 and 4 AAC 06.177 require that the School Board ensure that a sufficient number of school employees receive periodic training in an approved crisis intervention training program, to meet the needs of the student population. Crisis intervention programs must meet all legal requirements. The Department of Education and Early Development will maintain a list of approved crisis intervention training programs.

Under federal law, the Every Student Succeeds Act defines professional development to include sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom focused activities that are available to all school staff, including paraprofessionals. Professional development activities should be developed with educator input and regularly evaluated. Professional development activities must be evidence-based, if reasonably available. 20 U.S.C. §§ 6601-6614.

The School Board recognizes that a competent well-trained staff is essential to carrying out its goals. Staff development is a necessary, collaborative, continuous and systematic effort to improve district educational programs by involving all employees in activities that improve their skills and broaden their perceptions. Professional development provided to teachers, principals, and other instructional leaders should focus on improving teaching and student learning and achievement.

Professional development shall be developed with educator input and regularly evaluated. If reasonably available, staff development activities shall be evidence-based.

In order to respond directly to the needs of all our students, staff development activities may address such issues as teacher and staff qualifications, content areas, integrating technology into instruction, using data to improve student achievement, methodology, student privacy, parent, family, and community engagement, interpersonal relations between students and faculty, student learning, growth, development, student welfare and safety, assessments and accommodations, student identification and referral, and staff communication, problem solving and decision making. The Superintendent is responsible for ensuring that all training required by law is provided in a timely fashion to appropriate staff.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.5 - Child Abuse Reporting)

(cf. 5141.41 – Sexual Abuse, Sexual Assault and Dating Violence Awareness and Prevention)

(cf. 5141.52 – Suicide Prevention)

(cf. 5142.3 – Restraint and Seclusion)

The Superintendent or designee should provide staff with professional development that may include opportunities such as the following:

1. Release time and leaves of absence for travel and study.

CERTIFICATED STAFF DEVELOPMENT (continued)

BP 4131(b)

2. Visits to other classrooms and other schools.
3. Conferences involving outside personnel from the district, county, state, region or nation.
4. Membership in committees drawing personnel from various sources.
5. Training classes and workshops offered by the district.
6. Further training in institutions of higher learning, including credit courses conducted in or near the district instead of on the college campus, whenever possible.
7. Access to professional literature on education issues.
8. Induction and mentoring programs.

(cf. 4116 - Nontenured/Tenured Status)

Legal Reference:

UNITED STATES CODE

The Elementary and Secondary Education Act, 20 U.S.C. §§ 6601-6614, as amended by the Every Student Succeeds Act (P.L. 114-95 (December 10, 2015))

ALASKA STATUTES

14.08.111 Duties (Regional School Boards)

14.14.090 Duties of school boards

14.16.020 Operation of state boarding schools

14.18.060 Discrimination in textbooks and instructional materials prohibited

14.20.020 Requirements for issuance of certificate; fingerprints

14.20.680 Required alcohol and drug related disabilities training

14.30.355 Sexual abuse and sexual assault awareness and prevention

14.30.356 Dating violence and abuse policy, training, awareness, prevention, and notices

14.30.362 Suicide awareness and prevention training

47.17.022 Training (child protection)

ALASKA ADMINISTRATIVE CODE

4 AAC 06.530 Guidance and counseling services

4 AAC 06.550 Review of instructional materials

4 AAC 12.397 Mandatory training requirements

4 AAC 19.060 Evaluation Training

4 AAC 52.260 Personnel Development

Revised 3/2017

PUBLICATION OR CREATION OF MATERIALS

The School Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

(cf. 4119.21/4219.21/4319.21 – Code of Ethics)
(cf. 6162.6 - Use of Copyrighted Materials)

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

(cf. 3523 – E-mail)
(cf. 4040 - Employee Use of District Information Technology)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 – Library/Media Centers)

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

(cf. 3312 - Contracts)

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district.

Legal Reference: (See next page)

UNITED STATES CODE

17 U.S.C. 101-122 Subject matter and scope of copyright

17 U.S.C. 201 Copyright ownership and transfer

Added 6/11
Reviewed 01/2015
Adopted AASB: 06/2019
Reviewed 8/2021

All Personnel

All Personnel

BP 4132
4232
4332

PUBLICATION OR CREATION OF MATERIALS

The School Board recognizes that district employees may create copyrightable materials either at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day must be approved by the Superintendent or designee. However, the Superintendent or designee's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (17 United States Code 201)

Materials developed during both school and leisure hours are owned jointly by the employee and the district. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district.

(cf. 6162.6 - Use of Copyrighted Materials)

Legal Reference:

FEDERAL COPYRIGHT LAW
17 U.S.C., 201 and 201(a)

TRAVEL EXPENSES

The School Board shall pay for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district. Expenses shall be reimbursed within limits established by the Board.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

The Superintendent or designee may authorize an advance of funds to cover necessary expenses. The Superintendent or designee shall establish procedures for the submission and verification of expense claims.

The Board may establish an allowance on either a mileage or monthly basis to reimburse designated employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel must have Board approval. Travel expenses not previously budgeted also must be approved on an individual basis by the Board.

(cf. 3300 - Expenditures/Expending Authority)

*Added 6/11
Reviewed 01/2015
Reviewed 8/2021*

All Personnel

All Personnel

BP 4133
4233
4333

TRAVEL EXPENSES

Note: The following optional policy delegates duties related to employee travel and reimbursement to the Superintendent and may be revised to reflect district practice.

The School Board shall pay for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district. Expenses shall be reimbursed within limits established by the Board.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

The Superintendent or designee may authorize an advance of funds to cover necessary expenses. The Superintendent or designee shall establish procedures for the submission and verification of expense claims.

The Board may establish an allowance on either a mileage or monthly basis to reimburse designated employees for the use of their own vehicles in the performance of assigned duties.

Note: The following optional paragraph is offered for Boards that wish to closely monitor district expenses in this area.

All out-of-state travel must have Board approval. Travel expenses not previously budgeted also must be approved on an individual basis by the Board.

(cf. 3300 - Expenditures/Expending Authority)

SOLICITING AND SELLING

Employees shall not solicit district students or their families with the intent to sell general merchandise, books, equipment or services. Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

(cf. 1321 - Solicitation of Funds from and by Students)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

*Added 6/11
Reviewed 01/2015
Reviewed 8/2021*

All Personnel

All Personnel

BP 4135
4235
4335

SOLICITING AND SELLING

Note: The following optional policy may be revised or deleted.

Employees shall not solicit district students or their families with the intent to sell general merchandise, books, equipment or services. Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

(cf. 1321 - Solicitation of Funds from and by Students)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

NONSCHOOL EMPLOYMENT

The School Board recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 4119.21/4219.21/4319.21 - Codes of Ethics)
(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 4135 - Soliciting and Selling)

Revised 6/11
Reviewed 01/2015
Reviewed 8/2021

All Personnel

All Personnel

BP 4136
4236
4336

NONSCHOOL EMPLOYMENT

The School Board recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 4119.21/4219.21/4319.21 - Codes of Ethics)

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 4135 - Soliciting and Selling)

Personnel

All Personnel

BP 4144

4244

COMPLAINTS

4344

The School Board recognizes the need for providing employees with a process for addressing concerns regarding issues which are not subject to formal grievance procedures.

The Superintendent or designee shall establish complaint procedures which encourage the prompt submission of complaints and resolution of conflicts.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

(cf. 1312.3 - Complaints Concerning Discrimination)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4141/4241 - Agreement)

Legal Reference:

ALASKA STATUTES

23.40.270 Declaration of policy (PERA)

Revised 6/11

Reviewed 01/2015

Reviewed 08/2021

Certificated/Classified Personnel

COMPLAINTS

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board, if necessary. If the complaint is related to discrimination or harassment, the district's procedure for complaints concerning discrimination should be used.

(cf. 1312.3 - Complaints Concerning Discrimination)

2. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
3. Where a complaint implicates any person's privacy or reputational interests, information affecting those interests shall be kept confidential to the extent permitted by law, consistent with the District's operational needs and the needs of the affected parties.
4. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
5. No reprisals shall be taken against any person who participated in good faith in a complaint procedure on account of that participation.
6. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
7. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

Informal Complaints

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Revised 6/11
Reviewed 01/2015
Reviewed 08/2021

All Personnel

All Personnel

BP 4144

4244

COMPLAINTS

4344

Note: This optional policy and regulation may be used in connection with employee complaints alleging the misapplication of policies, regulations, rules and procedures which fall outside the scope of negotiated employee contract grievance procedures.

The School Board recognizes the need for providing employees with a process for addressing concerns regarding issues which are not subject to formal grievance procedures.

The Superintendent or designee shall establish complaint procedures which encourage the prompt submission of complaints and resolution of conflicts.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

(cf. 1312.3 - Complaints Concerning Discrimination)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4141/4241 - Agreement)

Legal Reference:

ALASKA STATUTES

23.40.270 Declaration of policy (PERA)

Revised 9/97

Certificated/Classified Personnel

AR 4144(a)
4244
4344

COMPLAINTS

Note: The following sample regulation may be revised or deleted.

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board, if necessary. If the complaint is related to discrimination or harassment, the district's procedure for complaints concerning discrimination should be used.

(cf. 1312.3 - Complaints Concerning Discrimination)

2. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
3. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
4. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
5. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
6. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
7. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

Informal Complaints

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

COMPLAINTS (continued)

Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the School Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in executive session if the complaint relates to matters properly addressed in executive session.

AR 4144(c)
4244
4344

COMPLAINTS (continued)

(cf. 9321 - Executive Sessions)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Personnel

BP 4155.1(a)
4255.1
4355.1

403(b) RETIREMENT PLAN

Policy Regarding Funding Vehicle(s) / Vendor(s) Selection and Deselection

Purpose

Craig City School District (the "District") offers the Craig City School District 403(b) Retirement Plan (the "Plan") to give its employees the opportunity to save additional funds for retirement. the investment options made available under the Plan include annuity contract(s) and/or custodial accounts(s) (referred to as "Funding Vehicles") and/or investment providers or any other entities authorized by investment providers or any other entities authorized by investment providers that offer annuity contract(s) and /or custodial account(s) (referred to as "Vendors"), provided such Funding Vehicles and/or Vendors are specifically approved by the District for use under the Plan.

This Policy Regarding Funding Vehicle(s) / Vendor(s) Selection and Deselection (the "Policy") sets forth the policy of the Board of Education of the Craig City School District (the "Board") regarding the manner in which Funding Vehicles and/or Vendors will be selected and deselected by the District for use under the Plan.

Policy

Selection of Funding Vehicle(s) and/or Vendor(s)

Funding Vehicle(s) and/or Vendor(s) offered as an investment option under the Plan will be listed on one or more of four (4) appendices to the Plan document, subject to the terms of the Plan/ These appendices to the Plan are as follows: Appendix A (Funding Vehicle(s) / Vendor(s) authorized to Receive Plan Contributions), Appendix B (funding Vehicle(s) / Vendor(s) authorized to Receive Only Contract Exchanges and Plan Transfers), Appendix C (funding Vehicle(s) / Vendor(s) Authorized to Receive Only Plan Contributions from Grandfathered Participants) and Appendix D (Funding Vehicle(s) / Vendor(s) Selected for Deposit of Automatic Enrollment Contributions). Appendices B, C and D may be used only if such designations and transactions are permitted under the terms of the plan.

Subject to the terms of the Plan, a Funding Vehicle and/or Vendor will be listed in Appendices A, B, C and/or D (as applicable) and offered as an investment option under the Plan only if all of the following conditions are satisfied:

- (1) The Funding Vehicle and/or Vendor must be designated as the investment selection for Plan contribution by at least 1 employees who are eligible to participate in the Plan (or such other minimum number of eligible employees as is provided under the terms of a collective bargaining agreement, if applicable).

In order for a Funding Vehicle and/or Vendor to be considered for selection as an investment option offered under the Plan, a letter of request to include the Funding Vehicle and/or Vendor as an investment option offered under the Plan must be submitted to CPI Common Remitter Services,

BP 4155.1(b)
4255.1
4355.1

403(b) RETIREMENT PLAN

PO Box 110, Great Bend, KS 67530-0110 and such letter of request must include an enclosure of copies of account applications with such Funding Vehicle and/or Vendor signed by the minimum number of eligible employees designated above.

(2) The provider of the Funding Vehicle and/or Vendor must enter into and comply with the terms of a 403(b) Retirement Plan Group Investment Provider Agreement (“Investment Provider Agreement”) with CPI Common Remitter Services (CPI/CRS).

(3) The representative(s) of the Funding Vehicle and/or Vendor must follow the solicitation policy of the District in accordance with the provisions of the Investment Provider Agreement or any other written compliance agreement referenced in Section (2) above. Pursuant to this solicitation policy, the representative(s) of the Funding Vehicle and/or Vendor are only allowed to meet with and otherwise solicit employees on campus at such dates, times and in such locations as is determined at the discretion of the District and indicated by written approval of the Superintendent or the Superintendent’s designee.

(4) The Funding Vehicle and/or Vendor is not required to but may agree to reimburse Plan recordkeeping fees as an operation expense paid by the provider of the Funding Vehicle or Vendor from its general assets (“Reimbursement Credits”) and/or to reimburse Plan recordkeeping fees as an individual account expense deducted directly from each Plan participant’s custodial account or annuity contract, subject to agreement by the Plan participant in the Salary Reduction Agreement and the terms of any applicable collective bargaining agreement (“Reimbursement Debits”).

In the event of Funding Vehicle and/or Vendor submits a letter of request to be included as an investment option offered under the Plan and it is determined that one or more of the above conditions are not satisfied, CPI/CRS will issue a written notice that advises the District, the funding Vehicle and/or Vendor and the eligible employees who have designated such Funding Vehicle and/or Vendor of the conditions that are not satisfied. If such unsatisfied conditions may be subsequently satisfied by the Funding Vehicle and/or Vendor, a letter of request may be re-submitted to CPI/CRS with evidence of such subsequently satisfied conditions.

Deselection of Funding Vehicle(s) and/or Vendor(s)

In the Event of Funding Vehicle and/or Vendor that is offered as an investment option under the Plan and listed on one or more of the four (4) appendices to the Plan document fails to satisfy any one of the conditions listed above to be included as a selected Funding Vehicle and/or Vendor under the Plan, such funding Vehicle and/or Vendor will be deselected as an investment option offered under the Plan and removed from the applicable listing(s) on the Plan appendices.

403(b) RETIREMENT PLAN

At the time that CPI/CRS and/or the District determine that a Funding Vehicle and/or Vendor has failed to satisfy any one of the conditions listed above, CPI/CRS will issue a written notice to the Funding Vehicle and/or Vendor advising it of the condition(s) that are not satisfied and that the Funding Vehicle and/or Vendor will be deselected as an investment option offered under the Plan if such condition(s) are not subsequently satisfied. The Funding Vehicle and/or Vendor will be given an opportunity to subsequently satisfy such conditions, pursuant to the term of the Investment Provider agreement or other written compliance agreement between the provider of the Funding Vehicle and/or Vendor, CPI/CRS and/or the District. If the funding Vehicle and/or Vendor does not satisfy all of the conditions listed above within the time period and pursuant to the terms provided under the Investment Provider Agreement or other written compliance agreement, the Funding Vehicle and/or Vendor will be deselected as an investment option offered under the Plan at such time.

If the only condition that is not satisfied is that the minimum number of eligible employees are no longer contributing to the Funding Vehicle and/or Vendor, the Funding Vehicle and/or Vendor will be given an opportunity to submit the CPI/CRS a letter of request to remain as a selected Funding Vehicle and/or Vendor with an enclosure of copies of account applications with such Funding Vehicle and/or Vendor signed by the minimum number of eligible employees designated above. If the funding Vehicle and/or Vendor cannot provide copies of account applications signed by the minimum number of eligible employees within the time period provided under the Investment Provider Agreement or other written compliance agreement and the Funding Vehicle and/or Vendor has entered into the 403(b) Retirement Plan Group Investment Provider Agreement with CPI/CRS, the Plan participants contributing to such Funding Vehicle and/or Vendor at such time may continue to contribute to the Funding Vehicle and/or Vendor, but no other Plan participants or eligible employees may contribute to the Funding Vehicle and/or Vendor. In such case, the Funding Vehicle and/or Vendor will be listed on Appendix C (Funding Vehicle(s) / Vendor(s) authorized to Receive Only Plan Contributions from Grandfathered Participants) as authorized to receive only Plan Contributions from such grandfathered participants. If the Funding Vehicle and/or Vendor cannot provide copies of account applications signed by the minimum number of eligible employees within the time period provided under the Investment Provider Agreement or other written compliance agreement and the Funding Vehicle and/or Vendor has not entered into the 403(b) Retirement Plan Group Investment Provider Agreement with CPI/CRS, the Funding Vehicle and/or Vendor will deselected as a investment option offered under the Plan at such time and no Plan participant may contribute to such Funding Vehicle and/or Vendor.

Revised 9/11
Reviewed 01/2015
Reviewed 08/2021

BP 4155.1

There is no AASB version

EMPLOYEE SAFETY

The School Board believes that safety is every employee's responsibility. The Board expects all employees to use safe work practices and to report and correct any unsafe conditions which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

No employees shall be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations.

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

(cf. 4158/4258/4358 - Employee Security)

Reviewed 01/2015

Reviewwed 8/2021

All Personnel

All Personnel

BP 4157
4257
4357

EMPLOYEE SAFETY

The School Board believes that safety is every employee's responsibility. The Board expects all employees to use safe work practices and to report and correct any unsafe conditions which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

No employees shall be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations.

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

(cf. 4158/4258/4358 - Employee Security)

EMPLOYEE SECURITY

BP 4158
4258
4358

An employee may use approved methods of physical restraint if a student’s behavior poses an imminent danger of physical injury to the student or others and less restrictive interventions would be ineffective at stopping the imminent danger. Restraint must be limited to that necessary to address the emergency and must be immediately discontinued when the student no longer poses an imminent danger or when a less restrictive intervention is effective to stop the danger.

(cf. 5144 - Discipline)
(cf. 5142.3 – Restraint and Seclusion)

Employees shall promptly report any student attack, assault or threat against them to the Superintendent or designee. The employee and the principal or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency.

(cf. 1410 – Interagency Cooperation for Student and Staff Safety)

Legal Reference:

ALASKA STATUTES

11.81.430 Justification, use of force, special relationships

11.81.900 Definitions

14.33.120-.140 School disciplinary and safety program

ALASKA ADMINISTRATIVE CODE

4 AAC 07.010-4 AAC 07.900 Student rights and responsibilities

UNITED STATES CODE

Elementary and Secondary Education Act, 20 U.S.C. §§ 2361-2368, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)

Adopted AASB policy 9/2015
Reviewed 8/2021

All Personnel

BP 4158
4258
4358

EMPLOYEE SECURITY

Note: Alaska school districts are required to adopt standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline. The following language is based upon guidelines found in AS 11.81.430, a statute authorizing reasonable nondeadly force by a teacher; and 4 AAC 07.900, which excludes certain reasonable and necessary physical restraint from the definition of corporal punishment. Additionally, the law provides that a teacher, teacher's assistant, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of a school disciplinary and safety program, including behavior standards. AS 14.33.130. Finally, this group is protected from civil liability for acts or omissions arising out of enforcement of the disciplinary and safety program while in the course of employment, unless the act constitutes gross negligence or reckless or intentional misconduct. AS 14.33.140, and the No Child Left Behind Act of 2001.

An employee may use reasonable force when necessary to protect himself/herself from attack, to protect another person, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student.

(cf. 5144 - Discipline)

Note: Effective January 1, 2001, a teacher, teacher's assistant, administrator, or other employee responsible for students who, during the course of employment, observes a student committing a crime must report the crime to local law enforcement. AS 14.33.130. The obligation to report to law enforcement resides with the staff member observing the crime. "Crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor. AS 11.81.900.

Employees shall promptly report any student attack, assault or threat against them to the Superintendent or designee. The employee and the principal or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency.

(cf. 1410 – Interagency Cooperation for Student and Staff Safety)

Legal Reference:

ALASKA STATUTES

11.81.430 Justification, use of force, special relationships

11.81.900 Definitions

14.33.120-.140 School disciplinary and safety program

ALASKA ADMINISTRATIVE CODE

4 AAC 07.010-4 AAC 07.900 Student rights and responsibilities

Elementary and Secondary Education Act, 20 U.S.C. §§ 2361-2368, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)

Revised 1/03

FAMILY AND MEDICAL LEAVE

The Superintendent or designee shall determine which sites are covered by Alaska's Family Leave Act (AFLA), by the federal Family & Medical Leave Act of 1993 (FMLA), or by both laws. Employees at the site shall be notified of this coverage determination through reasonable means. The determination of site coverage will be reviewed on a periodic basis.

A. Eligibility for Leave

Employees are eligible for FMLA leave if they:

1. Have been employed by the District for at least a year and have worked at least 1,250 hours in the preceding 12 calendar months immediately preceding the request for leave. Employers are required to count any service an employee had with an employer prior to a break in service of up to seven years toward his or her 12-month employment eligibility threshold.

and

2. Are employed at a work site that has 50 or more employees within a 75-mile radius. This distance is measured by surface miles, using surface transportation over public streets or by waterways, using the shortest route.

Employees are eligible for AFLA leave if they:

1. Have worked for the District at least 35 hours per week for at least six consecutive months, or at least 17.5 hours per week for at least twelve consecutive months, preceding the request for leave.

and

2. Are employed at a work site that has employed at least 21 employees within 50 road miles during any period of 20 consecutive workweeks in the preceding two calendar years.

Employees with questions about their eligibility for FMLA or AFLA leave should contact the Business Manager for more information.

B. Qualifying Reasons for Basic FMLA and AFLA Leave

Employees who meet the eligibility requirements described above are eligible to take leave for the following reasons:

1. To care for the employee's infant during the first 12 months following birth;
2. To care for a child during the first 12 months following the employee's adoption of the child or foster care placement of the child with the employee;
3. To care for a spouse, child, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical care, or childbirth;
or
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Definitions

For purposes of the above:

"Child" means the employee's biological child, adopted child, stepchild, foster child, or legal ward, so long as the child is under 18 or, if 18 or older, is incapable of self-care because of mental or physical disability. However, under AFLA, "child" does not include stepchild for purposes of caring for the child following adoption.

"Parent" under AFLA means a biological or adoptive parent, parent-in-law, or stepparent. "Parent" under FMLA means biological, adoptive, step or foster parent, or any other individual who stood "in loco parentis" (in the role of a parent) to the employee when the employee was a child; it does not include parent-in-law.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential health care facility; or (2) continuing treatment or supervision by a health care provider.

C. Total Amount of Leave Availability

FMLA provides up to 12 weeks of unpaid leave during any 12-month period, as defined by the District.

AFLA provides a total of 18 weeks of unpaid leave during any 24-month period because of a serious health condition of the employee or qualifying family member.

AFLA provides a total of 18 weeks of unpaid leave during any 12-month period because of pregnancy and childbirth or adoption. The right to take leave for this reason expires one year after the birth or placement of the child. The District can require that an employee using leave for this reason take the leave in a single block of time.

The District defines its 12-month period for determining total leave availability by use of the rolling calendar. The 12-month period is measured backwards from the first date for which leave is requested, to avoid stacking of back-to-back leave entitlements.

Married Couples

Special rules apply to married couples who are employed by the District:

FMLA: Under FMLA, two spouses together may take a *combined* total of 12 weeks leave during any 12-month period for birth or adoption of a child, or to care for the same individual with a serious health condition.

AFLA: Under AFLA, the District is not required to grant simultaneous leave to both spouses to care for a parent or child with a serious health condition.

D. Military Family Leave

FMLA provides for two types of Military Family Leave.

1. Qualifying Exigency Leave

Employees meeting FMLA eligibility requirements may be entitled to use up to 12 weeks of their basic FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, daughter, or parent is a military member and is on covered active duty or called to covered active duty status in the National Guard or Reserves in support of a contingency operation.

"Military member" includes members of the National Guard and Reserves and the Regular Armed Forces.

"Covered active duty" means deployment to a foreign country.

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events

AR 4161.4(d)
4261.4
4361.4

- Childcare and school activities
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the servicemember (up to 15 days of leave)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the servicemember's active duty status)
- Caring for the military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.
- Other activities arising out of the servicemember's active duty or call to active duty and agreed upon by the District and the employee.

2. Leave to Care for a Covered Servicemember

Employees meeting FMLA eligibility requirements may take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

A "covered servicemember" is a current member of the Armed Forces – including a member of the National Guard or Reserves, or a member of the Armed Forces who is on the temporary disability retired list – with a serious injury or illness incurred in the line of duty while on active duty, which may render the servicemember medically unfit to perform his or her duties, and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or otherwise is in outpatient status.

A "covered servicemember" also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

When both husband and wife work for the District, the aggregate amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.

E. Use of Leave, Including Intermittent And Reduced-Schedule Leave

An employee does not need to use FMLA or AFLA leave in a single block. Rather, leave can be taken intermittently or on a reduced leave schedule *when medically necessary*. Leave because of a serious health condition, or either type of family military leave under FMLA, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday), so long as medically necessary.

AR 4161.4(e)
4261.4
4361.4

If leave is unpaid, the District will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-leave schedule, the District may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the District's operations. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Military family leave due to qualifying exigencies may also be taken on an intermittent basis.

F. Right to Transfer for Pregnant Employee (Provided by AFLA Only)

A pregnant employee entitled to AFLA protections may request a transfer to a suitable position. A position is suitable if: 1) it is an existing unfilled position in the same administrative division in which the employee is currently employed and is less strenuous or less hazardous than the employee's current position; 2) the transfer is recommended by a licensed healthcare provider; 3) the employee is qualified and immediately available to perform the duties of the position; and 4) the transfer will not subject the District to liability for violating a collective bargaining agreement or employment contract.

If an employee has requested transfer to a suitable position, the District may not fill the position with someone other than the requesting employee until the District has offered the position to the employee and the employee has refused.

An employee who transfers under this provision shall be compensated at the lesser of: 1) the employee's compensation immediately before requesting the transfer; or 2) the compensation of the position into which the employee transfers.

G. Pay, Benefits, and Protections During FMLA Leave

FMLA and AFLA leave is unpaid. While on FMLA or AFLA leave, employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits, if leave is taken because of an employee's own serious health condition.

Substitution of paid time off for unpaid leave. The District requires employees to substitute accrued paid leave for unpaid FMLA and AFLA leave, as determined by the terms and conditions of the District's normal leave policies or negotiated agreements.

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If an employee requests leave because of birth, adoption, or foster care placement of a child, any accrued annual leave, personal leave, or other applicable leave, first will be substituted for unpaid family/medical leave.

If an employee requests leave because of the employee's own serious health condition, or to care for a covered family member with a serious health condition, any accrued paid annual leave, personal leave, sick leave, or other applicable leave, first will be substituted for any unpaid family/medical leave. The same rules apply for qualifying exigency leave or to care for a servicemember.

The substitution of paid leave for unpaid leave does not extend the total leave entitlement provided by FMLA or AFLA. Furthermore, in no case can the substitution of paid leave for unpaid leave result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave. FMLA and AFLA leave also run concurrently.

The employer will not provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide such paid leave.

Medical and other benefits. During an approved FMLA leave, the District will maintain the employee's group health plan coverage as if the employee continued to be actively working. If paid leave is substituted for unpaid family medical leave, the District will continue to deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through monthly payments to the District office.

If only AFLA leave applies, or if the employee qualifies for both FMLA and AFLA leave and FMLA leave has been exhausted, the District will require that the employee pay the full costs of health plan coverage as a condition of maintaining those benefits during any period of unpaid AFLA leave. Premium payments will be paid by the employee as set forth above.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the District will send the employee a letter to this effect. If the District does not receive the payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the District for the cost of the premiums paid by the District for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

Use of FMLA or AFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Return to job at end of FMLA leave. Upon return from FMLA or AFLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

H. Instructional Employees (FMLA Leave Only)

Special rules apply to school districts regarding FMLA leave. In cases where the special rules for instructional employees apply, the Superintendent may apply those special rules or the general FMLA rules as best serves the interests of the District.

“Instructional employees” are those employees whose principal function is to teach and instruct students in a class, small group or an individual setting. The term does not include administrators, teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include positions such as counselors, psychologists or curriculum specialists. It also does not include cafeteria works, maintenance workers, or bus drivers.

Summer months. For all District employees, instructional and non-instructional, whose positions do not work during the period between school years (the summer months), FMLA leave will only apply to scheduled work days and is not counted over the summer break. Employees who end the school year on FMLA can continue FMLA at the beginning of the next school year, provided the employee has not used all of the twelve (12) weeks of their annual FMLA leave as allowed by law.

Medical treatment impacting on instructional time. If an instructional employee wants to take foreseeable intermittent leave or reduced-schedule leave because of planned medical treatment, and the leave is more than twenty (20) percent of the total number of working days in the period over which the leave would extend, the District may require the employee to take the entire period of leave in a block, or may transfer the employee to an alternative placement for the period of planned leave. This decision is at the discretion of the District.

Leave towards the end of the school term. If an instructional employee begins FMLA leave more than five (5) weeks before the end of the term, and the leave lasts at least three (3) weeks, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave five (5) weeks or less before the end of the term, and the leave will last more than two (2) weeks for a reason other than his or her own health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave with three (3) weeks or less before the end of the term and the leave will last more than five (5) working days for a reason other than his or her own

health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

In the cases above where the District has exercised its right to extend the leave time, the leave is unpaid and is not charged against the employee's annual FMLA entitlement.

I. Employee Responsibilities When Requesting Leave

FMLA Requirements: If the need to use FMLA leave is foreseeable, the employee must give the District at least 30 days prior notice of the need to take leave. When 30 days notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of FMLA leave. Employees can be asked to explain why providing 30 days notice of leave was not practicable.

AFLA Requirements: If the need to use AFLA leave is foreseeable based on an expected birth or adoption, or on planned medical treatment, the employee shall provide prior notice of the expected need for leave in a manner that is reasonable and practicable.

If the leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider of the employee or the employee's child, spouse, or parent. Employees should attempt to schedule medical treatment around work so as to permit employees to work as much of their workday as possible.

Requests for family and medical leave should be submitted to the Business Manager using the Request for Family/Medical Leave form available from the District business office.

When submitting a request for leave, the employee must provide sufficient information for the District to determine if the leave might qualify as FMLA/AFLA leave. The employee must also provide information on the anticipated date when the leave will start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA/AFLA leave was previously taken or certified. Employees are required to provide a certification and periodic recertification supporting the need for leave for a serious health condition.

J. Employer Responsibilities

When an employee requests leave, the District will advise the employee within five (5) business days whether he or she is eligible under FMLA and/or AFLA leave, assuming the employee has

AR 4161.4(i)
4261.4
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provided the required information to allow the District to make this determination. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide, including medical certification. If the employee is not eligible, the District will provide the employee with a written notice indicating the reason for ineligibility.

The District will designate all qualifying leaves as FMLA or AFLA leave, even if the employee has not made a family and medical leave request, for example, when requesting sick leave, requesting annual leave to care for a sick family member, or taking workers' compensation leave. Any leave for a serious health condition of more than three days may qualify for FMLA/AFLA leave. If an employee takes leave for a medical condition involving more than three consecutive calendar days of incapacity and needs to have two visits to a healthcare provider, those visits must occur within 30 days of the period of incapacity for the condition to be classified as a serious health condition. Also, for a chronic serious health condition to be present, an employee must make at least two visits per year to a healthcare provider. If leave will be designated as FMLA or AFLA leave, the District will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's leave entitlement under these law.

K. Medical Certification

If the employee is requesting leave because of the employee's own or a covered family member's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. This is at the employee's expense. Employees may obtain Medical Certification forms from the District business office. When the employee requests leave, the District will notify the employee of the requirement for medical certification and when it is due, which shall be no more than 15 days after the leave request. If the employee provides at least 30 days notice of medical leave, he or she should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The District, at its expense, may require an examination by a second healthcare provider designated by the District, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the District, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The District requires subsequent medical recertification, at the employee's expense. Recertification shall be not more often than every 30 days, unless the law provides for more frequent recertification. Failure to provide requested recertification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. For employees on intermittent leave, the District will require recertification every six (6) months.

L. Status Reporting While on Leave

AR 4161.4(j)

4261.4

4361.4

If an employee takes leave because of the employee's own serious health condition or to care for a covered family member, the employee must contact the District on the first and third Tuesday of each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

M. Moonlighting Prohibited

The District prohibits employees who are on approved family and medical leave from engaging in other employment during the dates and times the employee would otherwise have been working for the District. Should an employee desire an exception, the employee must submit a written request to the Superintendent. The written request must explain why the employee seeks to engage in work for another employer or entity and why such work is feasible when the employee is unable to work for the District. The Superintendent may grant, deny, or grant in part, the employee's request, within the Superintendent's discretion.

Revised 8/13

Reviewed 01/2015

Reviewed 08/2021

All Personnel

Personnel

BP 4161.4(a)

4261.4(a)

FAMILY AND MEDICAL LEAVE

4361.4(a)

Note: Your district may be a "covered employer" under both the federal Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA). Covered employers must provide its employees with the benefits of these laws. FMLA covers employers who have at least 50 employees within 75 miles. AFLA covers public school district sites which have had at least 21 employees within 50 road miles during any period of 20 consecutive workweeks in the preceding two calendar years. Accordingly, some smaller districts may be covered by AFLA only, or, potentially, may not be covered at all. Additionally, some sites may be exempt from coverage while other sites in a district are covered. School districts can adopt a more generous policy by allowing employees who meet the hours-worked requirements to be eligible for family leave, regardless of the number of employees within a given radius.

The Board is committed to providing employees with family and medical leave in compliance with the Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA), as applicable. When both laws apply, the provisions more generous to the employee will govern.

In recognition that FMLA and AFLA provide some employer options for implementation of leave, the Board directs that leave under these laws will be implemented as set forth below. To the extent only AFLA leave applies, and AFLA does not contain specific requirements for implementation of that leave, the Board adopts by policy those procedures and employer rights set forth in FMLA and its regulations. The Superintendent shall develop regulations, in accordance with this policy, setting forth the qualifications, entitlements, and procedures for leave in compliance with these laws.

(cf. 4161 – Leaves)

Covered Employees

Note: FMLA and AFLA are triggered when an employee has worked the requisite number of hours for a school district. AFLA protections will apply sooner than FMLA protections, especially for new employees or part-time employees. Accordingly, any employee who qualifies under FMLA due to length of service will qualify under AFLA. Because AFLA provides greater leave entitlements, school district employees will usually be entitled to 18 weeks of leave.

Eligibility for FMLA and AFLA leave, as applicable, shall be based entirely on eligibility criteria established by these laws. This policy is not intended to expand eligibility for FMLA or AFLA leave beyond that which is legally required.

Under FMLA, an employee who has worked for the District for at least one year, and for 1,250 hours over the previous twelve months, is entitled to up to 12 weeks of leave for qualifying events. Under AFLA, an employee who has worked for the District for at least 35 hours a week in the last six consecutive months, or at least 17.5 hours a week during the preceding twelve months, is entitled to up to 18 weeks of leave for qualifying events. Leave which qualifies under both FMLA and AFLA is to be used simultaneously.

Unused family and medical leave does not accumulate from year to year.

All Personnel

Personnel

BP 4161.4(b)
4261.4(b)
4361.4(b)

FAMILY AND MEDICAL LEAVE (continued)

Reasons for Taking Leave

Note: FMLA provides for two forms of military-related leave that are not covered by AFLA. Qualifying exigency leave and military caregiver leave are set forth in items 6 and 7 below. Districts not covered by FMLA may choose to provide similar military family leave.

Covered employees will be granted leave for the following reasons:

1. To care for the employee's infant child during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical care or child birth;
5. Because of the employee's own serious health condition that renders the employee unable to perform the employee's job;
6. If FMLA is applicable, for qualifying exigency leave if the employee's spouse, son, daughter, or parent is a military member and is on covered active duty; or
7. To care for a covered servicemember under the terms set forth in FMLA.

Notices

Required notices shall be posted by the District so that employees are aware of their rights and responsibilities when the need for family or medical leave arises.

All requests for family and medical leave shall be made in writing on a District form. The employee shall provide sufficient information to determine whether the leave qualifies for FMLA and/or AFLA leave.

The employee is required to provide advance notice, consistent with these laws, and leave may be denied if notice requirements are not met. The employee must ordinarily provide 30 days advance notice when the leave is foreseeable.

All Personnel

Personnel

BP 4161.4(c)

4261.4(c)

FAMILY AND MEDICAL LEAVE (continued)

4361.4(c)

Concurrent Use of Paid Leave

Note: Both FMLA and AFLA are unpaid leaves. However, these laws permit employees and employers to substitute paid leave for unpaid leave. The policy language below requires employees to use all applicable paid leave in conjunction with FMLA/AFLA leave. If such a policy is not adopted, an employee may take his or her full entitlement of FMLA/AFLA leave, and then take any additional paid leave to which he or she is entitled. The policy helps minimize cumulative absences from work.

FMLA and AFLA are unpaid leaves. However, the District has elected to require employees to substitute paid leave for unpaid leave taken for an FMLA or AFLA qualifying event. Paid leave substitutions will include personal leave and annual leave; and sick leave if the employee requests leave because of the employee's own serious health condition or for another event for which sick leave may be used under District policies or negotiated agreements.

An employee's FMLA or AFLA leave runs concurrently with other types of paid leave and the District will give proper notice to the employee that FMLA or AFLA leave is being utilized. The substitution of paid leave for unpaid leave does not extend the maximum FMLA or AFLA leave period. When paid leave is exhausted, the remaining absences will continue to be FMLA or AFLA leave, as applicable, but will be unpaid.

(cf. 4161.1 – Sick Leave)

(cf. 4161.2 – Personal Leaves)

Medical Certification and Fitness for Duty

The District requires medical certification and recertification of any serious health condition of the employee or qualifying family member. Failure to provide timely certification when requested will result in denial of leave.

Employees on FMLA or AFLA leave must periodically report on their status and intent to return to work.

Employees are required to provide a fitness-for-duty certificate upon returning from FMLA or AFLA leave when the leave is taken because of the employee's own serious health condition.

“Calendar Year” for Purposes of Leave Entitlement

Note: FMLA allows employers to choose their calendar year for determining the amount of leave to which an eligible employee is entitled. This can include the actual calendar year, the District's fiscal year, or a rolling calendar year. The rolling calendar year is recommended as it allows the employer to look back and eliminate the potential for employees to stack FMLA leave entitlements between two calendar years.

For purposes of determining total leave availability for an eligible employee, the District utilizes a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.

All Personnel

Personnel

BP 4616.4 (d)
4261.4 (d)
4361.4 (d)

FAMILY AND MEDICAL LEAVE (continued)

Intermittent Leave

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member with a serious health condition, or for the employee's own serious health condition, when the employee fails to establish, through medical certification, that there is a medical need for such leave, as distinguished from voluntary treatments and procedures, and/or the employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Instructional Employees

Both the District, and its instructional employees, will comply with the special rules for instructional employees set forth in law. These rules shall be included in the regulations developed by the Superintendent.

Job Benefits and Protection

Note: For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group plan. There is a similar requirement under AFLA, except that school districts can require the employee to pay the full costs of coverage during periods of unpaid AFLA leave. For periods when the employee is concurrently on paid leave, health coverage requirements would apply consistent with what is provided to district employees on paid leave.

To the extent required by law, the District will maintain the employee's health coverage under any group plan. The employee will be required to continue making employee contributions as required by the plan. An employee who fails to return to work after expiration of his or her available leave may be required to reimburse the District for those benefits paid, as allowable by law.

The District will restore a returning employee to his or her original or an equivalent position, with equivalent pay, benefits, and other employment terms, unless restoration is not required by law. The employee will not lose any employment benefit that accrued prior to the start of the employee's leave.

FAMILY AND MEDICAL LEAVE (continued)

The District will not interfere with, restrain, or deny to a qualifying employee any right provided by FMLA or AFLA. Nor will the District discriminate or retaliate against any person for utilizing leave, enforcing leave rights, or opposing any practice made unlawful by FMLA or AFLA, or for being involved in any proceeding related to these laws.

(cf. 0410 – Nondiscrimination in District Programs & Activities)
(cf. 4030 – Nondiscrimination in Employment)

No Alternative Employment

Note: Having a second job while on FMLA or AFLA leave does not violate these laws. However, employers may have and enforce a policy prohibiting its employees from outside work while on leave from the District.

The District prohibits employees who are on approved family and medical leave from engaging in other employment during the dates and times the employee would otherwise have been working for the District. Upon written request by the employee, the Superintendent may, in his or her sole discretion, grant an exception to this provision.

Enforcement of Rights

Employees who believe their rights under FMLA or AFLA have been violated are encouraged to bring this to the attention of the Superintendent or designee for investigation and resolution. Any employee may file a complaint with the U.S. Department of Labor for violations of FMLA, or the Alaska Department of Labor for violations of AFLA. An eligible employee may bring a civil action against an employer for violations.

The District reserves the right to take disciplinary action, up to and including termination, against any employee who abuses the rights, duties, and obligations of FMLA or AFLA.

Legal References:

ALASKA STATUTES

30.20.500-.550 Alaska Family Leave Act

UNITED STATES CODE

Family and Medical Leave, 29 U.S.C. 2601, et seq.

Family and Medical Leave Act of 1993, 29 C.F.R. 825.100-825.702 (Amend 2013)

Revised 3/2013

FAMILY AND MEDICAL LEAVE

4261.4(a)

4361.4(a)

Note: Unless the Board has decided to apply the protections of FMLA or AFLA to all school sites, regardless of the number of employees within a certain radius, the District should conduct a regular review of the eligibility of its sites.

The Superintendent or designee shall determine which sites are covered by Alaska's Family Leave Act (AFLA), by the federal Family & Medical Leave Act of 1993 (FMLA), or by both laws. Employees at the site shall be notified of this coverage determination through reasonable means. The determination of site coverage will be reviewed on a periodic basis.

A. Eligibility for Leave

Note: Different rules apply under FMLA and AFLA. Accordingly, it is important to determine which of these laws apply to an individual employee. If both apply, the employee is entitled to the more generous protections.

Note: If an employee is an active duty or reserve military member who has been absent from work due to service covered by USERRA (Uniformed Services Employment and Reemployment Rights Act), all periods of USERRA absence are counted towards the employee's eligibility for FMLA leave.

Employees are eligible for FMLA leave if they:

1. Have been employed by the District for at least a year and have worked at least 1,250 hours in the preceding 12 calendar months immediately preceding the request for leave. Employers are required to count any service an employee had with an employer prior to a break in service of up to seven years toward his or her 12-month employment eligibility threshold.

and

2. Are employed at a work site that has 50 or more employees within a 75-mile radius. This distance is measured by surface miles, using surface transportation over public streets or by waterways, using the shortest route.

Employees are eligible for AFLA leave if they:

1. Have worked for the District at least 35 hours per week for at least six consecutive months, or at least 17.5 hours per week for at least twelve consecutive months, preceding the request for leave.

and

2. Are employed at a work site that has employed at least 21 employees within 50 road miles during any period of 20 consecutive workweeks in the preceding two calendar years.

Employees with questions about their eligibility for FMLA or AFLA leave should contact [title of leave administrator] for more information.

All Personnel

Personnel

AR 4161.4(b)
4261.4(b)
4361.4(b)

FAMILY AND MEDICAL LEAVE (continued)

B. Qualifying Reasons for Basic FMLA and AFLA Leave

Note: FMLA provides for "basic leave" as well as for military family leave.

Employees who meet the eligibility requirements described above are eligible to take leave for the following reasons:

1. To care for the employee's infant during the first 12 months following birth;
2. To care for a child during the first 12 months following the employee's adoption of the child or foster care placement of the child with the employee;
3. To care for a spouse, child, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical care, or childbirth; or
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Definitions

For purposes of the above:

"Child" means the employee's biological child, adopted child, stepchild, foster child, or legal ward, so long as the child is under 18 or, if 18 or older, is incapable of self-care because of mental or physical disability. However, under AFLA, "child" does not include stepchild for purposes of caring for the child following adoption.

"Parent" under AFLA means a biological or adoptive parent, parent-in-law, or stepparent. "Parent" under FMLA means biological, adoptive, step or foster parent, or any other individual who stood "in loco parentis" (in the role of a parent) to the employee when the employee was a child; it does not include parent-in-law.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential health care facility; or (2) continuing treatment or supervision by a health care provider.

C. Total Amount of Leave Availability

FMLA provides up to 12 weeks of unpaid leave during any 12-month period, as defined by the District.

AFLA provides a total of 18 weeks of unpaid leave during any 24-month period because of a serious health condition of the employee or qualifying family member.

All Personnel

Personnel

AR 4161.4(c)
4261.4(c)
4361.4(c)

FAMILY AND MEDICAL LEAVE (continued)

AFLA provides a total of 18 weeks of unpaid leave during any 12-month period because of pregnancy and childbirth or adoption. The right to take leave for this reason expires one year after the birth or placement of the child. The District can require that an employee using leave for this reason take the leave in a single block of time.

The District defines its 12-month period for determining total leave availability by use of the rolling calendar. The 12-month period is measured backwards from the first date for which leave is requested, to avoid stacking of back-to-back leave entitlements.

Married Couples

Special rules apply to married couples who are employed by the District:

FMLA: Under FMLA, two spouses together may take a *combined* total of 12 weeks leave during any 12-month period for birth or adoption of a child, or to care for the same individual with a serious health condition.

AFLA: Under AFLA, the District is not required to grant simultaneous leave to both spouses to care for a parent or child with a serious health condition.

D. Military Family Leave

FMLA provides for two types of Military Family Leave.

1. Qualifying Exigency Leave

Employees meeting FMLA eligibility requirements may be entitled to use up to 12 weeks of their basic FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, daughter, or parent is a military member and is on covered active duty or called to covered active duty status in the National Guard or Reserves in support of a contingency operation.

“Military member” includes members of the National Guard and Reserves and the Regular Armed Forces.

“Covered active duty” means deployment to a foreign country.

FAMILY AND MEDICAL LEAVE (continued)

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Childcare and school activities
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the servicemember (up to 15 days of leave)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the servicemember's active duty status)
- Caring for the military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.
- Other activities arising out of the servicemember's active duty or call to active duty and agreed upon by the District and the employee.

2. Leave to Care for a Covered Servicemember

Employees meeting FMLA eligibility requirements may take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

A "covered servicemember" is a current member of the Armed Forces – including a member of the National Guard or Reserves, or a member of the Armed Forces who is on the temporary disability retired list – with a serious injury or illness incurred in the line of duty while on active duty, which may render the servicemember medically unfit to perform his or her duties, and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or otherwise is in outpatient status.

A "covered servicemember" also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

When both husband and wife work for the District, the aggregate amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.

All Personnel

Personnel

AR 4161.4(e)

4261.4(e)

FAMILY AND MEDICAL LEAVE (continued)

4361.4(e)

E. Use of Leave, Including Intermittent And Reduced-Schedule Leave

An employee does not need to use FMLA or AFLA leave in a single block. Rather, leave can be taken intermittently or on a reduced leave schedule *when medically necessary*. Leave because of a serious health condition, or either type of family military leave under FMLA, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday), so long as medically necessary.

If leave is unpaid, the District will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-leave schedule, the District may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the District's operations. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Military family leave due to qualifying exigencies may also be taken on an intermittent basis.

F. Right to Transfer for Pregnant Employee (Provided by AFLA Only)

A pregnant employee entitled to AFLA protections may request a transfer to a suitable position. A position is suitable if: 1) it is an existing unfilled position in the same administrative division in which the employee is currently employed and is less strenuous or less hazardous than the employee's current position; 2) the transfer is recommended by a licensed healthcare provider; 3) the employee is qualified and immediately available to perform the duties of the position; and 4) the transfer will not subject the District to liability for violating a collective bargaining agreement or employment contract.

If an employee has requested transfer to a suitable position, the District may not fill the position with someone other than the requesting employee until the District has offered the position to the employee and the employee has refused.

An employee who transfers under this provision shall be compensated at the lesser of: 1) the employee's compensation immediately before requesting the transfer; or 2) the compensation of the position into which the employee transfers.

G. Pay, Benefits, and Protections During FMLA Leave

FMLA and AFLA leave is unpaid. While on FMLA or AFLA leave, employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits, if leave is taken because of an employee's own serious health condition.

Substitution of paid time off for unpaid leave. The District requires employees to substitute accrued paid leave for unpaid FMLA and AFLA leave, as determined by the terms and conditions of the District's normal leave policies or negotiated agreements.

If an employee requests leave because of birth, adoption, or foster care placement of a child, any accrued annual leave, personal leave, or other applicable leave, first will be substituted for unpaid family/medical leave.

If an employee requests leave because of the employee's own serious health condition, or to care for a covered family member with a serious health condition, any accrued paid annual leave, personal leave, sick leave, or other applicable leave, first will be substituted for any unpaid family/medical leave. The same rules apply for qualifying exigency leave or to care for a servicemember.

The substitution of paid leave for unpaid leave does not extend the total leave entitlement provided by FMLA or AFLA. Furthermore, in no case can the substitution of paid leave for unpaid leave result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave. FMLA and AFLA leave also run concurrently.

The employer will not provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide such paid leave.

Medical and other benefits. During an approved FMLA leave, the District will maintain the employee's group health plan coverage as if the employee continued to be actively working. If paid leave is substituted for unpaid family medical leave, the District will continue to deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through [the District should specify the method they will use].

If only AFLA leave applies, or if the employee qualifies for both FMLA and AFLA leave and FMLA leave has been exhausted, the District [will or may] require that the employee pay the full costs of health plan coverage as a condition of maintaining those benefits during any period of unpaid AFLA leave. Premium payments will be paid by the employee as set forth above.

FAMILY AND MEDICAL LEAVE (continued)

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the District will send the employee a letter to this effect. If the District does not receive the payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the District for the cost of the premiums paid by the District for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

Use of FMLA or AFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Return to job at end of FMLA leave. Upon return from FMLA or AFLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

H. Instructional Employees (FMLA Leave Only)

Special rules apply to school districts regarding FMLA leave. In cases where the special rules for instructional employees apply, the Superintendent may apply those special rules or the general FMLA rules as best serves the interests of the District.

"Instructional employees" are those employees whose principal function is to teach and instruct students in a class, small group or an individual setting. The term does not include administrators, teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include positions such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

Summer months. For all District employees, instructional and non-instructional, whose positions do not work during the period between school years (the summer months), FMLA leave will only apply to scheduled work days and is not counted over the summer break. Employees who end the school year on FMLA can continue FMLA at the beginning of the next school year, provided the employee has not used all of the twelve (12) weeks of their annual FMLA leave as allowed by law.

Medical treatment impacting on instructional time. If an instructional employee wants to take foreseeable intermittent leave or reduced-schedule leave because of planned medical treatment, and the leave is more than twenty (20) percent of the total number of working days in the period over which the leave would extend, the District may require the employee to take the entire period of leave in a block, or may transfer the employee to an alternative placement for the period of planned leave. This decision is at the discretion of the District.

FAMILY AND MEDICAL LEAVE (continued)

Leave towards the end of the school term. If an instructional employee begins FMLA leave more than five (5) weeks before the end of the term, and the leave lasts at least three (3) weeks, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave five (5) weeks or less before the end of the term, and the leave will last more than two (2) weeks for a reason other than his or her own health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave with three (3) weeks or less before the end of the term and the leave will last more than five (5) working days for a reason other than his or her own health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

In the cases above where the District has exercised its right to extend the leave time, the leave is unpaid and is not charged against the employee's annual FMLA entitlement.

I. Employee Responsibilities When Requesting Leave

FMLA Requirements: If the need to use FMLA leave is foreseeable, the employee must give the District at least 30 days prior notice of the need to take leave. When 30 days notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of FMLA leave. Employees can be asked to explain why providing 30 days notice of leave was not practicable.

AFLA Requirements: If the need to use AFLA leave is foreseeable based on an expected birth or adoption, or on planned medical treatment, the employee shall provide prior notice of the expected need for leave in a manner that is reasonable and practicable.

If the leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider of the employee or the employee's child, spouse, or parent. Employees should attempt to schedule medical treatment around work so as to permit employees to work as much of their workday as possible.

Requests for family and medical leave should be submitted to [Human Resources or title of FMLA administrator] using the Request for Family/Medical Leave form available from [Human Resources; title of FMLA administrator].

FAMILY AND MEDICAL LEAVE (continued)

When submitting a request for leave, the employee must provide sufficient information for the District to determine if the leave might qualify as FMLA/AFLA leave. The employee must also provide information on the anticipated date when the leave will start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA/AFLA leave was previously taken or certified. Employees are required to provide a certification and periodic recertification supporting the need for leave for a serious health condition.

J. Employer Responsibilities

When an employee requests leave, the District will advise the employee within five (5) business days whether he or she is eligible under FMLA and/or AFLA leave, assuming the employee has provided the required information to allow the District to make this determination. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide, including medical certification. If the employee is not eligible, the District will provide the employee with a written notice indicating the reason for ineligibility.

The District will designate all qualifying leaves as FMLA or AFLA leave, even if the employee has not made a family and medical leave request, for example, when requesting sick leave, requesting annual leave to care for a sick family member, or taking workers' compensation leave. Any leave for a serious health condition of more than three days may qualify for FMLA/AFLA leave. If an employee takes leave for a medical condition involving more than three consecutive calendar days of incapacity and needs to have two visits to a healthcare provider, those visits must occur within 30 days of the period of incapacity for the condition to be classified as a serious health condition. Also, for a chronic serious health condition to be present, an employee must make at least two visits per year to a healthcare provider. If leave will be designated as FMLA or AFLA leave, the District will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's leave entitlement under these law.

K. Medical Certification

If the employee is requesting leave because of the employee's own or a covered family member's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. This is at the employee's expense. Employees may obtain Medical Certification forms from [the Human Resources Department]. When the employee requests leave, the District will notify the employee of the requirement for medical certification and when it is due, which shall be no more than 15 days after the leave request. If the employee provides at least 30 days notice of medical leave, he or she should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

FAMILY AND MEDICAL LEAVE (continued)

The District, at its expense, may require an examination by a second healthcare provider designated by the District, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the District, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The District requires subsequent medical recertification, at the employee's expense. Recertification shall be not more often than every 30 days, unless the law provides for more frequent recertification. Failure to provide requested recertification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. For employees on intermittent leave, the District will require recertification every six (6) months.

L. Status Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered family member, the employee must contact the District on [the first and third Tuesday of each month, for example] regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

M. Moonlighting Prohibited

The District prohibits employees who are on approved family and medical leave from engaging in other employment during the dates and times the employee would otherwise have been working for the District. Should an employee desire an exception, the employee must submit a written request to the Superintendent. The written request must explain why the employee seeks to engage in work for another employer or entity and why such work is feasible when the employee is unable to work for the District. The Superintendent may grant, deny, or grant in part, the employee's request, within the Superintendent's discretion.

Revised 3/2013

FAMILY MEDICAL LEAVE

REQUEST, APPROVAL & NOTICE OF DESIGNATION

This form is to be utilized by employees for leave requests under the federal Family and Medical Leave Act (FMLA) and Alaska's Family Leave Act (AFLA)

SECTION 1: Family and Medical Leave Request – to be completed by the employee (or the supervisor if the employee is unavailable or unable to complete the form)

This Family and Medical Leave of Absence is for the following **qualifying reason**:

Due to birth of a child and/or to care for a newborn child of the employee OR placement of a child with the employee through adoption or foster care

- If leave is requested for adoption: child is, is not the employee's step-child

Due to the employee's serious health condition

Due to a covered servicemember with a serious injury or illness who is the spouse, child, parent or next of kin of an employee

Due to care of the employee's spouse, child, parent who has a serious health condition

Due to a qualifying exigency arising out of the fact that the employee's spouse, child, parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves

All Personnel

A medical certification will be required for all leave requests for a serious health condition of the employee or the employee's spouse, child, or parent.

Employee requests full-time leave, intermittent or reduced-schedule leave on the following schedule: _____

for the following reason: _____
_____.

Anticipated date FMLA leave is to begin _____ to end _____
_____ (if known)

- Employee does, does not have a spouse employed by the District: _____
_____ (name), _____ (position)
- Employee's primary job is to teach and instruct students: Yes No

Employee Staff ID #: _____ Employee's Department or Position _____

Employee full name (please print)

Date

Employee Signature

SECTION 2: FMLA/AFLA Time Designation – to be completed by the EMPLOYEE:

- The District requires employees to use all applicable paid leave accruals during family and medical leave. This means that you will receive your paid leave and the leave will also be considered FMLA/AFLA leave and counted against your leave entitlement.
- **Please designate the order of using paid time off:**
_____ Annual Leave _____ Sick Leave

SECTION 3: To be completed by the DISTRICT. Return a completed copy of this form to the employee within five business days of the employee notifying the district of the need for family and medical leave.

- Leave of absence **approved** for birth or care of child, or placement of child: FMLA eligibility met AFLA eligibility met
- Leave of absence **approved** due to a qualifying military exigency (FMLA eligibility met)
- Leave of absence **conditionally approved** pending receipt of certification: FMLA eligibility met AFLA eligibility met

Certification due by _____ (allow at least 15 calendar days)

- Certification provided is not complete or sufficient to determine whether FMLA or AFLA applies. You must provide further information no later than _____ (allow at least calendar 7

All Personnel

days) or your leave may be delayed or denied. Information needed to make the certification complete and sufficient is:

- Certification was received on _____ (date), and we are exercising our right to have you obtain a second or third medical certification at our expense. You will be contacted with further details.
- Certification was received on _____ (date), has been reviewed and **final approval** is granted. All leave taken for this reason will be designated as FMLA leave, AFLA leave, both FMLA and AFLA leave.
- Leave of absence **denied** because:
 - Employee does not qualify for FMLA leave:
 - has not been employed by the District for 12 months (does not need to be continuous), only _____ months have been worked
 - has not worked 1,250 actual hours in the past 12 months prior to this leave, only _____ hours have been worked
 - Employee does not qualify for AFLA leave:
 - has not been employed for at least 35 hours a week for the past 6 months, or for at least 17.5 hours a work for the past 12 months, only _____ hours have been worked over _____ months.
 - Employee did not provide supporting certification
 - Employee's allotment of FMLA/AFLA has been exhausted
 - Employee's leave request does not qualify for FMLA/AFLA leave

District Point of Contact (Name and number)

Signature **Date**

If you have any questions, contact the District representative identified above or review the District's family and medical leave policy and regulations, BP/AR 4161.4. These can be obtained from your supervisor, the District office, or on the District's website.

SECTION 4: Employee Responsibilities

If your leave has been approved, you will have the following responsibilities:

- Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. The amount of your premium payment will depend upon whether your leave is under FMLA, AFLA, or both. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during leave, and recover these payments from you upon your return to work.
- If you do not return to work following leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA or AFLA leave.
- While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).
- **If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.**
- **You are required to notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:**
 - Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____
 - Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA/AFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).
- If you have taken leave for your own serious health condition, you will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position is, is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

CERTIFICATION OF HEALTH CARE PROVIDER

Section A: Employee/Patient Information			
Employee's Name (First, Last, MI):		Patient's Name:	
		Relationship of Patient to Employee: <input type="checkbox"/> Self <input type="checkbox"/> Parent <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent Child (Child's Age)	
Employee's Dept:	List any relative working in same dept and the relationship to employee:		
<p>To be completed by person needing family leave to care for a family member. Attach a description of the care to be provided and estimate the time period for which it will be necessary, including a schedule if leave will be taken intermittently or on reduced leave schedule.</p> <p>Signature of Employee: _____ Work #: _____ Home #: _____ Date: _____</p>			
<p>Release of Medical Information: I authorize the release of any medical information necessary to provide the information requested on this form.</p>			
Signature of Patient:		Date:	
Section B: Completed by Health Care Provider			
<p>1. Indicate the appropriate category of Serious Health Condition: (definitions on reverse of form)</p> <p>a. <input type="checkbox"/> Hospital Care</p> <p>b. <input type="checkbox"/> Absence Plus Treatment</p> <p>c. <input type="checkbox"/> Pregnancy/Prenatal</p> <p>d. <input type="checkbox"/> Chronic Conditions Requiring Treatment</p> <p>e. <input type="checkbox"/> Permanent/Long-term Conditions Requiring Treatment</p> <p>f. <input type="checkbox"/> Multiple Treatments (Non-Chronic Conditions)</p>		<p>2. Please describe the medical facts supporting your certification:</p>	
4a. Date condition commenced and probable duration:		4b. Date(s) of patient's present incapacity (if different from 4a):	
5. NOTE: Please indicate type of absence requested: Continuous: give duration of time off work: _____ Intermittent/Reduced Schedule: please estimate episodic absences based upon patient's past history: Frequency of episodes: _____ Duration of episodes: _____			
6. Prescribed treatment regimen and schedule: Office visits: # _____ per _____ Therapy visits: # _____ per _____ Prescription medication: _____ Referral to other providers (who) _____		Surgery (date): _____ Procedure (type/date): _____ Other treatments (type/dates): _____	
EMPLOYEE'S OWN SERIOUS HEALTH CONDITION:			
7. Is in-patient hospitalization of the employee required? <input type="checkbox"/> Yes <input type="checkbox"/> No (give dates) _____		8. Is employee able to perform work of any kind? <input type="checkbox"/> Yes <input type="checkbox"/> No	
9a. Is employee able to perform the functions of employee's position? <input type="checkbox"/> Yes <input type="checkbox"/> No		9b. If not, please describe employee's restrictions (include need for reduced work schedule) and their duration: Restrictions: _____ Duration: _____	
FAMILY MEMBER'S SERIOUS HEALTH CONDITION:			
10. Will the patient require assistance for basic medical, hygiene, nutritional, safety or transportation needs? <input type="checkbox"/> Yes <input type="checkbox"/> No			
11. After review of the employee's signed statement above, is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort.) <input type="checkbox"/> Yes <input type="checkbox"/> No			
12. Estimate the period of time care is needed or the employee's presence would be beneficial to care for the patient.			
Type of Practice (Field of specialization, if any):		Address of Health Care Provider:	
Print name of Health Care Provider:		Office Telephone #:	
Health Care Provider Signature:		Date Signed:	

Family and Medical Leave Information Sheet

For purposes of family leave, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one or more of the following:

1. **Hospital Care Inpatient care** ¹ (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. **Absence Plus Treatment** A period of incapacity of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - (1) **Treatment** ² **two or more times** within 30 days of the first day of incapacity by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - (2) **Two visits for treatment** by a health care provider which results in a **regimen of continuing treatment** ³ **under the supervision of the health care provider.**
3. **Pregnancy/Prenatal Care**
Any period of incapacity due to **pregnancy**, or for **prenatal care.**
4. **Chronic Conditions Requiring Treatments**
A **chronic condition** which:
 - (1) Requires **at least two visits annually** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - (2) Continues over an **extended period of time** (including recurring episodes of a significant underlying condition); and
 - (3) May cause **episodic** rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
5. **Permanent/Long-Term Conditions Requiring Supervision**
A period of **incapacity** which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider.** Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. **Multiple Treatments (Non-Chronic Conditions)**
Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, or for a condition that **would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

For purposes of family leave, **Incapacity** means a period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.)

Light Duty is defined as a temporary modification or elimination of one or more of the essential function(s) of the position. (For questions, please contact the Division of Personnel & Labor Relations Management Services Section.)

¹ Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

² Treatment includes examination to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

³ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, or other similar activities that can be initiated without a visit to a health care provider.

EMERGENCY COVID-19 SICK AND FAMILY LEAVE

AR 4161.8

As a result of the 2020 COVID-19 pandemic, employees may have additional rights to sick leave and family leave under the provisions below.

I. Sick Leave for COVID-19 Qualifying Reasons

Employees are entitled to additional paid sick leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) above, or self-quarantine as described in (2) above;
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition as specified by the United States Department of Health and Human Services.

Duration of COVID-19 Sick Leave

A full-time employee is eligible for up to 80 hours of COVID-19 sick leave. A part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

Calculation of Sick Leave Rate of Pay

For leave reasons (1), (2), or (3), above: employees taking leave shall be paid at their regular rate of pay, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4), (5), or (6), above: employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

Procedure for Requesting Leave

Employees must notify their supervisor of the need and specific reason for leave under this policy. Employees should make the request for leave as soon as practically possible. Verbal notice will otherwise be accepted until written notice can be provided.

Employees are required to provide documentation to confirm the type of COVID-19 leave for which they are eligible.

EMERGENCY COVID SICK AND FAMILY LEAVE

AR 4161.8(b)

Interaction with Other Paid Leave

The employee may use COVID-19 paid sick leave under this policy before using any other accrued sick leave, family leave, annual leave, or donated leave. COVID-19 sick leave does not carry over to 2021. COVID-19 sick leave cannot be cashed out.

All other policies and procedures for use of sick leave remain applicable, except as specifically modified by this AR and the federal Families First Coronavirus Response Act.

(cf. 4161.1 – Sick Leave)

(cf. 4161.2 - Personal Leaves)

II. Family and Medical Leave Act Expansion to Care for Children due to COVID-19

The qualifying reasons for taking family and medical leave (“FMLA Leave”) have been expanded to provide leave for employees unable to work because they must care for a child whose school or place of childcare is closed (or child care provider is unavailable) for reasons related to COVID-19. This is a new qualifying reason for taking leave under the Family and Medical Leave Act. It is not an expansion of the total amount of leave availability under FMLA. Employees must have been employed for at least 30 days to be eligible for expanded FMLA leave.

(cf. 4161.4/4261.1/4361.4 – Family and Medical Leave)

Duration of Expanded Childcare FMLA Leave

Full-time employees are eligible for up to 12 weeks of leave at 40 hours a week, assuming the employees have FMLA Leave available. Part-time employees are eligible for leave for the number of hours they are normally scheduled to work over that period, again assuming leave is available. Employees are only entitled to 12 weeks of annual FMLA leave, regardless of the reason.

Rate of Pay for Expanded Childcare FMLA Leave

The first ten days of expanded childcare FMLA leave is unpaid. However, employees may take the COVID-19 paid sick leave during this time or substitute any accrued paid leave. Alternatively, the District may require that COVID-19 paid sick leave be used during the first 10 days of normally unpaid FMLA leave.

After the first ten days of expanded childcare FMLA leave, employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave under the Family and Medical Leave Act).

EMERGENCY COVID SICK AND FAMILY LEAVE

AR 4161.8(c)

Procedure for Requesting Leave

Employees must follow the existing procedures for taking and requesting family and medical leave. Employees are required to provide documentation to confirm eligibility for expanded childcare FMLA leave.

(cf. 0400 - Personnel)

Legal Reference:

Public Law No: 116-127 (03/18/2020)

Added 6/2020

Reviewed 08/2021

Note: The following AR implements the federal Families First Coronavirus Response Act, which is in effect from April 1, 2020 through December 31, 2020, unless extended by Congress.

As a result of the 2020 COVID-19 pandemic, employees may have additional rights to sick leave and family leave under the provisions below.

I. Sick Leave for COVID-19 Qualifying Reasons

Employees are entitled to additional paid sick leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) above, or self-quarantine as described in (2) above;
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition as specified by the United States Department of Health and Human Services.

Duration of COVID-19 Sick Leave

A full-time employee is eligible for up to 80 hours of COVID-19 sick leave. A part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

Calculation of Sick Leave Rate of Pay

For leave reasons (1), (2), or (3), above: employees taking leave shall be paid at their regular rate of pay, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4), (5), or (6), above: employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

Procedure for Requesting Leave

Employees must notify their supervisor of the need and specific reason for leave under this policy. Employees should make the request for leave as soon as practically possible. Verbal notice will otherwise be accepted until written notice can be provided.

Employees are required to provide documentation to confirm the type of COVID-19 leave for which they are eligible.

EMERGENCY COVID SICK AND FAMILY LEAVE

AR 4161.8(b)

Interaction with Other Paid Leave

The employee may use COVID-19 paid sick leave under this policy before using any other accrued sick leave, family leave, annual leave, or donated leave. COVID-19 sick leave does not carry over to 2021. COVID-19 sick leave cannot be cashed out.

All other policies and procedures for use of sick leave remain applicable, except as specifically modified by this AR and the federal Families First Coronavirus Response Act.

(cf. 4161.1 – Sick Leave)

(cf. 4161.2 - Personal Leaves)

II. Family and Medical Leave Act Expansion to Care for Children due to COVID-19

The qualifying reasons for taking family and medical leave (“FMLA Leave”) have been expanded to provide leave for employees unable to work because they must care for a child whose school or place of childcare is closed (or child care provider is unavailable) for reasons related to COVID-19. This is a new qualifying reason for taking leave under the Family and Medical Leave Act. It is not an expansion of the total amount of leave availability under FMLA. Employees must have been employed for at least 30 days to be eligible for expanded FMLA leave.

(cf. 4161.4/4261.1/4361.4 – Family and Medical Leave)

Duration of Expanded Childcare FMLA Leave

Full-time employees are eligible for up to 12 weeks of leave at 40 hours a week, assuming the employees have FMLA Leave available. Part-time employees are eligible for leave for the number of hours they are normally scheduled to work over that period, again assuming leave is available. Employees are only entitled to 12 weeks of annual FMLA leave, regardless of the reason.

Rate of Pay for Expanded Childcare FMLA Leave

The first ten days of expanded childcare FMLA leave is unpaid. However, employees may take the COVID-19 paid sick leave during this time or substitute any accrued paid leave. Alternatively, the District may require that COVID-19 paid sick leave be used during the first 10 days of normally unpaid FMLA leave.

After the first ten days of expanded childcare FMLA leave, employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave under the Family and Medical Leave Act).

All Personnel

EMERGENCY COVID SICK AND FAMILY LEAVE

AR 4161.8(c)

Note: The above provisions for paid leave under FMLA are only applicable when leave is taken because the employee must care for a child whose school or place of care is closed due to COVID-19 related reasons. FMLA has not been expanded to provide for paid leave for other qualifying reasons, such as personal illness of the employee or family member.

Procedure for Requesting Leave

Employees must follow the existing procedures for taking and requesting family and medical leave. Employees are required to provide documentation to confirm eligibility for expanded childcare FMLA leave.

(cf. 0400 - Personnel)

Legal Reference:

Public Law No: 116-127 (03/18/2020)

Added 4/2020

DISTRICT ISSUED PORTABLE TECHNOLOGY

The Board believes that technology resources facilitate communication, innovation, resource sharing, access to information, and student learning. Employees who are trained in and comfortable with technology devices and their applications are better able to support the use of technology as an educational strategy in the instructional program.

As approved by the Board, the Superintendent/Chief Administrative Officer shall oversee the acquisition and distribution of portable technology devices, including laptop computers, to District employees. This equipment is provided to improve and develop the job-related capabilities of District's employees, including certificated and support personnel. District employees who are issued portable technology devices are permitted to transport this equipment between home and office, and on other travel as appropriate. The equipment remains at all times District property. Employees are permitted to use this equipment outside of the instructional or work-day. Familiarity and competence in the multitude of technological applications and resources assists employees in maintaining and improving present job performance. All use of District-issued portable technology shall be in compliance with the District's equipment and Internet use policies.

(cf. 3400 – Management of District Assets/Accounts)
(cf. 3512 – Equipment)
(cf. 6161.4 – Internet)
(cf. 6161.5 – Web Sites/Pages)

Added 10/11
Reviewed 01/2015
Reviewed 08/2021

All Personnel

PERSONNEL

BP 4170

4270

DISTRICT ISSUED PORTABLE TECHNOLOGY

4370

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(cf. 3400 – Management of District Assets/Accounts)

(cf. 3512 – Equipment)

(cf. 6161.4 – Internet)

(cf. 6161.5 – Web Sites/Pages)

Added 1/09