

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Board of Education will not tolerate sexual harassment by any of its employees. This policy applies to non-employee volunteers whose work is subject to the control of school personnel.

## **GENERAL PROHIBITIONS**

### **A. Unwelcome Conduct of a Sexual Nature**

1. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding", "teasing," double meanings, and jokes.
2. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
3. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

### **B. Sexual Harassment**

For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

1. Submission to the conduct is made either an explicit or implicit condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

## **SPECIFIC PROHIBITIONS**

### **A. Administrators and Supervisors**

1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

### **B. Non-administrative and Non-Supervisory Employees**

1. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

## **REPORT, INVESTIGATION, AND SANCTIONS**

**A.** It is the express policy of the Board of Education to encourage victims of sexual harassment to come forward with such claims. This may be done through the employee Grievance Policy.

1. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision.
2. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
3. Confidentiality will be maintained, and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

**B.** In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the

nature of the conduct and the context in which the alleged conduct occurred will be investigated. The Superintendent has the responsibility of investigating and resolving complaints of sexual harassment.

- C. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.

**REFERENCE:**

- ***Policy 4009 - Grievance Procedures, Sex Discrimination***
- ***Policy 4600 - Termination, Certified Teachers***

*Adopted by the Board of Education on 2-13-92.*

**NON-DISCRIMINATION**

**4003**

It is the policy of the Tahlequah Board of Education District I035 that no person shall on the grounds of race, color, religion, sex, pregnancy, gender, gender expression or identity, national origin, age, sexual orientation, marital or veteran status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education programs, activities, services, or in admissions, financial aid, recruitment, consideration, selection or employment whether full-time or part-time, or any other activity for which the Board of Education is responsible.

Inquiries concerning application of religion, race, or ethnicity related policy, Title VI Civil Rights Act may be referred to Ms. DeAnn Mashburn, Compliance Coordinator.

Inquiries concerning application of gender related policy, or Title IX, may be referred to DeAnn Mashburn, Compliance Coordinator.

Inquiries regarding eligible disabled students under IDEA or Section 504 may be referred to Susan VanZant, Compliance Coordinator.

Inquiries concerning personnel, ADA and/or disability related policies may be referred to Susan VanZant, and Compliance Coordinator.

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*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 11-8-04, Revised 11-13-06, Revised 12-14-09, Revised 2-14-11, Revised 7-21-11, Revised 8-13-13, Revised 9-10-2015, Revised 7-13-17, Revised 8-10-17*

**CIVIL RIGHTS CERTIFICATE**

**4005**

Assurance of compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.

The applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Education.

- A. The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.
3. Title IX of the Education Amendments of 1972, as amended, 29 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance.
4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.
5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply, the applicant understands that assistance can be terminated, and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may at its discretion seek a court order requiring compliance with the terms of the Assurances or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

\_\_\_\_\_ Date

\_\_\_\_\_ Authorized Official(s)

\_\_\_\_\_ Name of Applicant

\_\_\_\_\_ City, State, Zip Code  
*Adopted by the Board of Education on 2-13-92.*

<b>NON-DISCRIMINATION PROCEDURES</b>	<b>4007</b>
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Tahlequah Public Schools will fill all required Title VI, Title IX, and Section 504 Assurance Forms with the department of Education and the Office of Civil Rights.

Prior to the beginning of each school year notice will be provided to students, parents, employees and the general public of the non-discrimination policy of the Tahlequah Public Schools.

Course announcements, bulletins, application forms, enrollment forms and promotional materials will also carry a shorter non-discrimination statement: The Tahlequah Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, age, qualified handicap, or veteran.

A Compliance Activities Coordinator will be appointed by the Board of Education. That person should investigate Title IX complaints and gather information relevant to the process.

The Board of Education will also adopt grievance procedures designed to encourage school districts to resolve problems themselves rather than resorting to the formal office or civil rights complaint procedure.

*Adopted by the Board of Education on 2-13-92. Revised 9-8-94*

## **NON-DISCRIMINATION GRIEVANCE PROCEDURE - SEX DISCRIMINATION**

**4009**

It is the policy of the Board of Education that the Superintendent shall appoint a Title IX Coordinator for this school district. The Superintendent shall direct the implementing of educational amendments and regulations as it pertains to prohibition of sex discrimination in education and shall prepare a regulation governing sex discrimination grievance procedures.

The Board shall appoint, on a periodic basis, a sex discrimination grievance committee, which shall consist of an administrator, a parent, and a member of the certified teaching staff and the classified staff.

*Adopted by the Board of Education on 7-13-89.*

## **NON-DISCRIMINATION GRIEVANCE PROCEDURE - FOR FILING, PROCESSING AND RESOLVING ALLEGED DISCRIMINATION COMPLAINTS (STUDENTS AND EMPLOYEES)**

**4011**

### **A. Definitions**

- 1. Discrimination complaint:** A written complaint alleging any policy procedure or practice which discriminates on the basis of race, color, national origin, sex, (including sexual harassment), or qualified handicap.
- 2. Student Grievant:** A student of the School District who submits a complaint alleging discrimination based on race, color, national origin, sex (including sexual harassment), or qualified handicap. A parent's complaint shall be treated in the same manner as a student's complaint.
- 3. Employee Grievant:** An employee of the School District who submits a complaint alleging discrimination based on race, color, national origin, religion, sex (including sexual harassment), age, qualified handicap, or veteran.
- 4. Title IX, ADA, and 504 Coordinator:** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, the Americans With Disabilities Act, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, and other State and Federal laws addressing equal educational opportunity. The Title Coordinator under Title IX, ADA, Title VI and 504 is responsible for processing complaints and serves as moderator and recorder during hearings. The coordinator of each statutory scheme may be the same person or different persons.
- 5. Respondent:** The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
- 6. Day:** Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

### **B. Pre-filing Procedures**

- 1.** Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI, or 504 Coordinator, as applicable, and reasonable effort should be made to resolve the problem or complaint.

### **C. Filing and Processing Discrimination Complaints**

- 1. Grievant:** Submits written complaint to the Coordinator, as applicable, stating name, nature and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available from the office of the District's Title IX, ADA, Title VI and 504 Coordinator.
- 2. Coordinator:** Notifies respondent within 10 days and asks respondent to:
  - a.** Confirm or deny facts
  - b.** Indicate acceptance or rejection of student or employee's requested action, or,

c. Outline alternatives.

3. **Respondent:** Submits answer within 10 days to applicable Coordinator.
4. **Coordinator:** Within 10 days after receiving respondent's answer, applicable Coordinator refers the written complaint and respondent's written answer to the principal or other designee. The Coordinator also schedules a hearing with the grievant, the respondent, and the principal or other designee.
5. **Principal, Grievant, Respondent, and Coordinator:**  
Hearing is conducted.
6. **Principal:** Issues within 10 days after the hearing a written decision to the student or employee, respondent, and applicable Coordinator.
7. **Grievant or Respondent:** If the Grievant or respondent is not satisfied with the decision, they must notify the Coordinator within 10 days and request, in writing, a hearing with the Superintendent.
8. **Coordinator:** Schedules within 10 days of request a hearing with the grievant, respondent, and Superintendent.
9. **Superintendent, Grievant, Respondent, applicable Coordinator:**
  - a. Hearing is conducted.
10. **Superintendent:** Issues a decision within 10 days following the hearing.
11. **Grievant:** If the grievant or respondent is not satisfied with the decision, they must notify applicable Coordinator, in writing, within 10 days and request a hearing with the Board of Education
12. **Coordinator:** Notifies Board of Education, in writing, within 10 days after receiving request. Coordinator schedules hearing with the Board of Education. Hearing is to be conducted within 30 days from the date of notification to the Board of Education.
13. **Hearing held by the Board:** Grievant, Respondent, and applicable Coordinator and the Board issue a final decision at the hearing regarding the validity of the grievance and any action to be taken.

**D. General Provisions**

1. **Extension of time:** Any time limits set by those procedures may be extended by mutual consent of parties involved. The total number of days from date that complaint is filed until complaint is resolved shall be no more than 180 days.
2. **Access to Regulations:** Upon request, the School District shall provide copies of any school district regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, qualified handicap, or veteran status.
3. **Confidentiality of Records:** Complaint records will remain confidential to the extent allowed by the law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the school district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

*Adopted by the Board of Education on 2-13-92. Revised 10-9-00, 8-10-17*

<b>DISABILITY ACCOMMODATIONS</b>
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<b>4013</b>
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It is the policy of this Board of Education to take reasonable steps where feasible to accommodate students, patrons, and visitors with disabilities.

- A. Each new facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Alterations of facilities that affect or could affect their usability will, to the maximum extent feasible, be altered in such a manner that the altered portion is readily accessible to and usable by persons with disabilities.
- B. This school district prohibits discrimination in any form against any person, persons, organizations or other entity. Employment opportunities will not be withheld from any qualified person solely because of a known disability. The school district will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of this school district. This school district does not require pre-employment medical examinations except for bus drivers.

- C. For the purposes of this policy, the term "reasonable accommodation" shall mean making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment, modifications of examinations and training, the provision of qualified readers, and other similar and reasonable accommodation.
- D. In determining whether an accommodation would impose an undue hardship, the district will consider:
1. The nature and cost of the accommodation needed;
  2. The overall financial resources available to the district;
  3. The number and nature of employees at the facility in question.

In order to disseminate the content of this policy to all school district employees, the Superintendent is directed to post appropriate notices in those common areas where employees may expect to find such notices.

*Approved by the Board of Education on 2-13-92.*

## **EMPLOYEE RECORDS INVESTIGATION**

**4015**

The Board of Education believes that it has a responsibility to seek only those employees who are qualified in every respect. The Board further believes that it should avail itself of means and methods provided by the legislature to assist in the selection of employees. Therefore, it is the policy of this Board of Education to require a signed release from all prospective employees allowing a felony records check to be conducted as authorized by Oklahoma law. The board of education is not required to obtain a new criminal history record check for an individual who has obtained certification from the Oklahoma State Department of Education within the previous twelve (12) months. The records check may be initiated by the school district's written request, through the Superintendent, to the State Department of Education. Effective November 1, 2012, the school district may contract with a third-party vendor who is member in good standing with the National Association of Professional Background Screeners to perform any and all employment screenings, background checks, and credit checks.

All prospective employees will be required to furnish a fingerprint card to the Oklahoma State Bureau of Investigation (OSBI) and must pay to the OSBI the cost of the records search up to \$50.00. In addition, the prospective employee will be responsible for any fees required to obtain fingerprints.

Any person applying for employment as a substitute teacher shall only be required to have one such felony records search for the school year. Upon request of the substitute teacher, that felony records search results may be sent to any other school district in which the substitute teacher is applying to teach. The board of education may choose whether to require a national criminal history record check from a prospective substitute teacher who has been employed by the school district in the last year.

Any person employed as a full-time teacher by a school district in Oklahoma in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing.

Any person employed as a full-time teacher by a school district in this state for ten (10) or more consecutive years immediately preceding an application for employment as a substitute teacher in the same school district may not be required to have a national criminal history record check for as long as the person remains employed for consecutive years by that school district as a substitute teacher, if the teacher left full-time employment in good standing. If the teacher applies for employment as a substitute teacher in another school district, a national criminal history record check shall be required.

If the applicant for employment meets all other criteria for employment in this school district, the applicant may be employed on a temporary basis for a maximum of sixty (60) days pending receipt of the felony records search

results. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history records check. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty at the employing schools district. If the applicant is offered permanent employment following the review of the records search, the search fee will not be reimbursed in full

If the Superintendent requests that a national records search be conducted on a current employee, the initial cost of the records search will be paid by the employee. The district will reimburse the employee the cost of the records search.

**REFERENCE: 70 O.S. Sec. 5-142**

*Adopted by the Board of Education on 3-19-91, Revised 9-8-94, Revised 4-11-96, Revised 7-9-98, Revised 7-13-06, Revised 9-13-10, Revised 08-15-11, Revised 10-08-12, Revised 11-9-17*

<b>SERVICE ANIMALS</b>	<b>4014</b>
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Purpose

The purpose of this policy is to establish procedures for the use of service animals in the district, including school buildings, school vehicles and other school property.

Policy

The district acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by district employees, students and visitors with disabilities.

Definitions

“Service animal” is defined by the Americans with Disabilities Act (ADA) as any service dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

“Employee” is defined as a person who is employed by the district on a part or full-time basis, with or without compensation, and elected or appointed members of the district’s board of education.

“Student” means a child who is currently enrolled at the district, and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of district property that have been made available by the district to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on school district property.

Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the district's Superintendent and Building Principal. The notification will identify whether the service animal is required because of the person’s disability, and, if so, identify and describe the manner in which the service animal will meet the individual’s particular need(s).
- B. Notifications for the use of service animals on district property by an employee or student will,

whenever possible, be made at least one week prior to the proposed use of the service animal.

C. As part of the district's consideration of the use of a service animal, the district may require certification of proper vaccinations verified by a veterinarian.

D. The district's review of use of a service animal may include consideration of a student's IEP or Section 504 records. The district may also request a meeting with the employee or student.

E. The use of a service animal on district property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the district. The district's approval of the use of a service animal on district property is subject to periodic review, revision, or revocation by district administration.

F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler of the service animal. Any cost incurred to handle the service animal will be the responsibility of the employee or student who uses the service animal.

G. Service animals will be allowed in district vehicles when:

1. The inclusion of the service animal is documented as required on district transportation forms; and
2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

#### Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:

1. Whether the visitor's animal is a service animal required because of a disability.
2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.

C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.

D. When a visitor requires accommodations to be made to district policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to district's Superintendent and building Principal no later than one (1) week before the service animal will be present on district property.

#### Control and Supervision of Service Animals

A. The owner/handler of a service animal must be in full control of the animal at all times.

B. Service animals must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.

C. The responsibility for the care and supervision of the service animal rests solely on the employee, student or visitor. The district is not responsible for providing any staff member to walk the service animal or provide any other care or assistance to the animal. Issues related to the care and supervision

of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

D. Pursuant to federal law, the district retains discretion to exclude or remove a service animal from district property and/or transportation if:

1. The service animal is out of control and/or the service animal's handler does not effectively control the service animal's behavior;
2. The service animal is not housebroken;
3. The service animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
4. Permitting the service animal would fundamentally alter the nature of the service, program, or activity.

### Liability

An employee, student or visitor accompanied by a service animal will be responsible for any damage to district or personal property and any injuries to individuals caused by the service animal. Individuals who use a service animal on district property will hold the district harmless and indemnify the district from any such damages.

### Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal can file a grievance, using the district's grievance procedures.

### Requirements for Service Animals

**Vaccination:** Service animals must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

**Licensing:** All service dogs must be licensed as may be required by state and/or local law.

**Identification:** It is recommended, but not required, that service animals have proper identification.

**Owner ID and Other Tags:** Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

**Collar:** A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [Okla. Stat. tit. 7, § 19.1(C)]

**Cleanup Rule:** The handler of the service animal, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

**Grooming:** All service animals must be treated for, and kept free of, fleas and ticks. All service animals must be kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. Tit. 4, § 801 (2019)

**Adopted by the Board of Education on 7-11-19.**

<b>TEACHERS, DUTIES AND RESPONSIBILITIES</b>	<b>4125</b>
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### **Oklahoma Criteria for Effective Teaching Performance**

#### **A. Practice**

##### **1. Teacher Management Indicators**

- a. Preparation – The teacher plans for delivery of the lesson relative to short-term and long-term objectives.
- b. Routine – The teacher uses minimum class time for non-instructional routines thus maximizing time on task.
- c. Discipline – The teacher clearly defines expected behavior (encourages positive behavior and controls negative behavior).
- d. Learning Environment – The teacher establishes rapport with students and provides a pleasant, safe and orderly climate conducive to learning.

##### **2. Teacher Instructional Indicators**

- a. Establishes Objectives – The teacher communicates the instructional objectives to students.
- b. Stresses Sequence – The teacher shows how the present topic is related to those topics that have been taught or that will be taught.
- c. Relates Objectives – The teacher relates subject topics to existing student experiences.
- d. Involves All Learners – The teacher uses signaled responses, questioning techniques and/or guided practices to involve all students.
- e. Explains Content – The teacher teaches the objectives through a variety of methods.
- f. Explains Directions – The teacher gives directions that are clearly stated and related to the learning objectives.
- g. Models – The teacher demonstrates the desired skills.
- h. Monitors – The teacher checks to determine if students are progressing toward stated objectives.
- i. Adjusts Based on Monitoring – The teacher changes instruction based on the results of monitoring.
- j. Guides Practice – The teacher requires all students to practice newly learned skills while under the direct supervision of the teacher.
- k. Provides for independent Practice – The teacher requires students to practice newly learned skills without the direct supervision of the teacher.
- l. Establishes Closure – The teacher summarizes and fits into context what has been taught.
  - 1) Strengths
  - 2) Concerns
  - 3) Recommendations

**B. Products**

**1. Teacher Product Indicators**

- a. Lesson Plans – The teacher writes daily lesson plans designed to achieve the identified objectives.
- b. Student Files – The teacher maintains a written record of student progress.
- c. Grading Patterns – The teacher utilizes grading patterns that are fairly administered and based on identified criteria.

**2. Student Achievement Indicators – Students demonstrate mastery of the Oklahoma stated objectives, *Priority Academic Student Skills (PASS)*, through projects, daily assignments, performance, and test scores.**

- a. Strengths
- b. Concerns
- c. Recommendations

*Adopted by the Board of Education 2-13-92. Revised 7-13-06*

<b>TEACHER ASSISTANTS - (TRAINING AND USE OF)</b>	<b>4127</b>
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The Board of Education is concerned with the professional training of all individuals who work with the children of this district. Teacher assistants are an integral part of the learning program within the school. They are assigned to one teacher to facilitate the learning environment within that classroom.

- A.** Teacher assistants may perform or assist a teacher in the performance of hall duty, playground duty, lunchroom duty, bus duty, and extracurricular activities. All other assigned activities of teacher assistants shall be under the direct supervision of a licensed/certified teacher. Examples of other duties which teacher assistants may perform are to prepare art supplies, bulletin boards, supplementary materials, transparencies, reports, dittos, charts, maps, etc.; to file materials; and to compute statistical information.
- B.** The training and in-service of special education paraprofessionals will be coordinated by the special education department in the district.

No Child Left Behind (NCLB) requirements are to be fulfilled prior to employment as per law.

*Adopted by the Board of Education on 5-9-91. Revised 11-8-04, Revised 7-13-06*

<b>STANDARDS OF PERFORMANCE AND CONDUCT FOR TEACHERS</b>	<b>4129</b>
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Teachers are charged with the education of the youth of this State. In order to perform effectively, teachers must

demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles.

In recognition of the magnitude of the responsibility inherent in the teaching process and by virtue of the desire of the respect and confidence of their colleagues, students, parents, and the community, teachers are to be guided in their conduct by their commitment to their students and their profession.

#### **A. PRINCIPLE I - COMMITMENT TO THE STUDENTS**

The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the teacher:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning,
2. Shall not unreasonably deny the student access to varying points of view,
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress,
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety,
5. Shall not intentionally expose the student to embarrassment or disparagement,
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family social or cultural background, or sexual orientation, unfairly
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any students
  - c. Grant any advantage to any student,
7. Shall not use professional relationships with students for private advantage, and
8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted by law or is required by law.

#### **B. PRINCIPLE II - COMMITMENT TO THE PROFESSION**

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator:

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications,
2. Shall not misrepresent his/her professional qualifications,
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute,
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position,
5. Shall not assist an unqualified person in the unauthorized practice of the profession,
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law,
7. Shall not knowingly make false or malicious statements about a colleague, and
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

#### **C. PRINCIPLE III**

Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not re-employed for:

1. Willful neglect of duty;
2. Repeated negligence in performance of duty;
3. Mental or physical abuse to a child;
4. Incompetency;
5. Instructional ineffectiveness;
6. Unsatisfactory teaching performance;
7. Commission of an act of moral turpitude;
8. Abandonment of contract;

**D.** Subject to the provisions of the Teacher Due Process Act of 1990, a probationary teacher may be dismissed or not reemployed for cause.

**E.** A career teacher who:

1. has been rated a “ineffective” as measured pursuant to the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6 of this act for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990; or
2. has been rated as “needs improvement” or lower pursuant to the TLE for three (3) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990; or
3. has not averaged a rating of at least “effective” as measured pursuant to the TLE over a five year period shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

**F.** A probationary teacher who:

1. has been rated as “ineffective” as measured pursuant to the TLE for two (2) consecutive school years shall be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; or
2. has not attained career teacher status within a four-year period shall be dismissed or not reemployed by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

**G.** A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment, the teacher is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state’s or the federal sex offender registration provisions; or
2. Any felony offense.

**H.** A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and
2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

**I.** As used in this Section, "abandonment of contract" means the failure of a teacher to report at the beginning of the contract term or otherwise perform the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment. (70-6-101.22)

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 11-14-11, Revised 10-08-12*

## **PROFESSIONAL CONDUCT BY STAFF**

**4130**

The Board of Education counts on staff to adhere at all times to recognized standards of professional conduct. Teachers, administrators, and support employees are role models and must exemplify ethical behavior in their relationships with students, patrons, and other staff members. The Board expects staff to be mindful that they are professionals and their conduct, particularly in relation to students, patrons, and other staff, must be consistent

with professional standards. Staff members must never engage in conduct which detracts from a safe, positive, or appropriate learning environment.

The Board of Education believes that all staff members have a responsibility and professional obligation to be familiar with and abide by the laws of Oklahoma, the policies of the board, and the administrative regulations designed to implement them – as they affect the employee’s job and commitments to students and others.

The OSDE *Standards of Performance and Conduct* set forth standards for the professional conduct of teachers. The Board, like the State Department of Education, requires Tahlequah teachers to adhere to this code. It expects its administrators also to adhere to requirements for administrators. In addition, the Board approves specific ethical standards that must guide the conduct of all staff members.

### Specific Responsibilities

Essential to the success of ongoing district operations and the instructional program are the following responsibilities, required of all personnel:

1. Support and enforcement of policies of the Board and regulations of Tahlequah administration in regard to students.
2. Concern and attention toward their own and the district’s legal responsibilities for the safety and welfare of students, including the need to assure that students are reasonably supervised within the constraints presented.
3. Avoidance of exploitation of relationships with students, other staff members, or school district patrons.
4. Consistency and promptness in attendance at work.
5. Diligence in submitting required reports promptly at the times specified.
6. Care and protection of school district property.

### Staff – Student Relationships

Exploitation of staff-student relationships is inconsistent with obligations owed to students. Staff members may not use student or school property for personal use or benefit. Staff members who suspect or recognize an inappropriate relationship between a student or staff member or observe inappropriate conduct toward or contact with a student are required to report this in writing to their supervisor, the Superintendent, or other district official.

### Exploitation of a Student

Exploitation of a student may result from an improper personal relationship encourage by a teacher, administrator, or support employee. Staff members should be aware that gestures and physical conduct, even though innocent and properly motivated, may be misinterpreted by students or parents. Therefore, teachers, administrators, and support employees must avoid any conduct that might be characterized as evidencing an improper or unprofessional personal attachment toward a student. Sponsors or chaperones shall not sleep in the same rooms with students on overnight activity trips unless the sponsor or chaperone is the parent or legal guardian of the student. Likewise, instructors, sponsors or chaperones shall not accompany a single student on a trip or activity unless written approval is received from parents or legal guardian of the student and the Superintendent or Superintendent’s designee. Sexual or romantic involvement with a student and sexual harassment by any employee, regardless of the student’s age or the student’s placement in or out of the teacher’s class, is prohibited. School officials will seek criminal investigation and prosecution of any employee suspected of engaging in child exploitation.

### Standards of Behavior

Staff is expected, in their capacity as role models, to establish an example of acceptable behavior for students in connection with classes and extracurricular activities. Teachers, administrators, and support employees must refrain from the use of vulgar or obscene language and conduct in the presence of students. Similarly, discussion with students of issues personal to the staff member, such as divorce, sexual issues, or similar highly personal

subjects, is inappropriate. The use of alcohol by any staff member in the presence of students is prohibited. Likewise, the use of illegal or illicit drugs by employees, in or outside the presence of students, is prohibited and grounds for disciplinary action, including dismissal.

Staff members are required to limit communication with students via computers or wireless telecommunication devices to matters concerning the student's education or extra-curricular activities for which the staff member has assigned responsibility. Even when communication is related to school related matters, employees should avoid messaging – particularly when messaging is to a single student. Wireless communication devices include, but are not limited to, cellular telephones, pagers, personal digital assistants, camera technology and phones with audio record capabilities. The term "cell phone" includes but is not limited to cellular phones, mobile phones, smart phones and internet phones. No staff member may establish an internet site for the purpose of communication with students regarding school matters without the express written permission of the Superintendent or other designated school official.

Employees who, as a part of the employee's job, communicate electronically with students must furnish students with specific guidelines which the teacher, coach, or sponsor will follow with respect to the use of electronic communications. Employee communications to students, regardless of the form in which made, must be appropriate and within professional boundaries. In instances where a student's communications to a school employee are inappropriate or outside permissible and professional boundaries, the employee has the responsibility to stop the inappropriate communication, report the communication to his or her supervisor, and take prompt action to re-direct the student's communication as is appropriate to specific circumstances.

Staff members are expected to refrain from comments or statements, even in jest, reflecting adversely on any person or group with reference to race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. Racial, ethnic, or sexual slurs in the presence of students or during work or work related activities or programs constitute unprofessional conduct.

#### Exploitation by Supervisors of Subordinate Employees

The exploitation by supervisors of subordinate employees is improper and prohibited. In particular, any employee who supervises, directs, evaluates, or makes any employment recommendations with regard to any other employee (i.e. acts as a supervisor) is prohibited from engaging in any commercial, business, romantic, sexual, or other similar type of personal relationship with any employee who is or may be subordinate to the supervisor.

Every employee of the district has the duty to abide by this professional conduct policy and ethical standards of behavior in all respects. Failure to do so may lead to disciplinary action including dismissal or non-renewal from employment, referral to law enforcement authorities for prosecution, or other action appropriate to the nature, gravity, and effect of the relationship on students, other staff members, or school operations.

*Approved 4-8-13.*

<b>CODE OF ETHICS OF THE EDUCATION PROFESSION</b>	<b>4131</b>
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#### **A. PROFESSIONAL RIGHTS AND RESPONSIBILITIES**

The Tahlequah Professional Relations Policy will be interpreted by members of the faculty in their appreciation and acceptance of the Oklahoma Education Association's code of ethics:

- 1) The teacher should be courteous, just and professional in all relationships.
- 2) Desirable ethical standards require cordial relations between the teacher and pupil, home and school.
- 3) The conduct of the teacher should conform to the accepted pattern of behavior of the most wholesome members of the community.
- 4) The teacher should strive to improve educational practices through study, travel and experimentation.
- 5) Unfavorable criticism of associates should be avoided except when made to proper officials.

- 6) Membership and active participation in local, state and national professional associations are expected.
- 7) Honorable contracts, when signed, should be respected by both parties and dissolved only by mutual consent.
- 8) The responsibility for reporting all matters harmful to the welfare of the school rests upon each teacher.
- 9) The term "teacher" as used here includes all certified persons directly engaged in education work.

*Adopted by the Board of Education on 2-13-92.*

<b>STUDENT INFORMATION PARENT ACCESS POLICY</b>	<b>4132</b>
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Tahlequah Public Schools recognizes the importance of electronic access to unofficial student information/school records to further promote educational excellence and to enhance communications. The purpose of this policy is to provide guidance and expectations for all Tahlequah Public Schools students, parents and guardians regarding the use of electronic tools used to facilitate collaboration and communication between the parent(s)/guardian(s), students and teachers.

Tahlequah Public Schools Wen-Gage Guardian Portal has been developed to allow parents to view their child's unofficial school records through a web browser at any time and from anywhere there is an internet connection. The Parent Portal is available to parent(s) or guardian(s) of students in grades K - 12 enrolled in Tahlequah Public Schools.

Access to the Wen-Gage Guardian Portal is allowed only after reading and accepting the Acceptable Use Policy and returning the signed form with proper identification to the designated site(s). By accepting the Acceptable Use Policy, parents/guardians release Tahlequah Public Schools from any and all liability for damages arising out of the unauthorized access to the Wen-Gage Guardian Portal.

Parents are prohibited from sharing passwords or allowing anyone other than themselves to use the account. When using this electronic information transferred to their computer, parents should protect or destroy printed or stored information generated from this site. Holding in privacy and utmost confidentiality all of the unofficial information contained on this site.

Parents are to report any security problems with the Wen-Gage Guardian Portal to the Superintendent's office immediately, without demonstrating the problem to anyone else.

Participants agree to not to use the Wen-Gage Guardian Portal for any illegal activity, including violation of Data Privacy Laws. Anyone found to be violating the laws would be subject to civil and/or criminal prosecution.

Any parent(s) or guardian(s) identified as a security risk to the Wen-Gage Guardian Portal will be denied access at any time and access may be revoked at any time. In the interest of security, Tahlequah Public Schools reserves the right to change user passwords or deny access at any time.

*Adopted by the Board of Education 9-10-2015. Revised 2-16-16, Revised 8-15-19*

<b>ACCEPTABLE USE POLICY (AUP)</b>	<b>4133</b>
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Tahlequah Public Schools believe the Internet, email, and computer technology are overwhelmingly positive in nature and expect much success with their use. Further, we do not expect problems among our employees with their use. This Acceptable Use Policy, however, is prudent for all of us to have due to the potential for misuse.

- A. The Tahlequah Public Schools will not monitor, edit, or disclose the contents of email, Internet history, or computer files, unless required to do so by law or in the good faith belief that such action is necessary to:
  - 1. Conform to Board Policy.
  - 2. Conform to the edicts of the law or comply with legal process served on Tahlequah Public Schools.
  - 3. Protect and defend the rights or property of Tahlequah Public Schools.

4. Act under urgent circumstances to protect the personal safety of Tahlequah Public Schools employees or students.
- B.** The following intentional uses will be considered unacceptable:
1. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or State regulation.
  2. Downloading copyrighted material for other than legal personal or professional use.
  3. Using the network for private financial or commercial gain which adversely affects the district.
  4. Using the network to setup and/or maintain any web site for commercial or private purposes.
  5. Unauthorized access to resources or entities commonly referred to as hacking.
  6. Using another user's account or password without authorization.
  7. Accessing, submitting, posting, publishing, or displaying any item, material, or information which is fraudulent, intentionally inaccurate, abusive, obscene, pornographic, racially offensive, harassing, illegal, or that threatens harm to another.
  8. Using the network while access privileges are suspended or revoked.
  9. Publishing or otherwise disseminating another person's personal information, account, or password without that person's permission.
  10. Using the network for unauthorized product advertisement, political activity, promoting or encouraging the use of illegal or controlled substances.

When an alleged violation is presented to the Tahlequah Public Schools administration, they may examine email, Internet history, or computer files. The nature of the investigation will be reasonable and restricted to the context of the nature of the alleged violation.

A building site administrator will report any evidence of an alleged violation to the alleged violator. This written report will include a listing of the email, Internet history, or computer files searched regarding the alleged violation.

Employee Name \_\_\_\_\_

Employee's Position \_\_\_\_\_

Employee's School/Department \_\_\_\_\_

I have read the Acceptable Use Policy. I agree to follow the rules contained in this policy. I understand that if I violate the rules, I may face disciplinary action in accord with the collective bargaining agreement and School Board policy.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

*Adopted by the Board of Education on 8-12-99*

<b>COMMUNITY RELATIONS POLICY</b>	<b>4134</b>
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**Electronic Communication, Social Networking & Other Media Purpose**

Tahlequah Public Schools recognizes the importance of electronic tools and social networks as communication and e-learning tools. When used appropriately, these tools can significantly enhance Tahlequah Public Schools teaching and program effectiveness. The purpose of this policy is to provide guidance and expectations for all Tahlequah Public Schools students, staff and patrons regarding the creation and use of emerging electronic tools used to facilitate collaboration and communication for both professional and personal use. These tools include, but are not limited to, websites, text messages, instant messages, blogs, online bulletin boards, video and photo sharing sites, wikis, social networks, and virtual worlds.

**Permissions**

Employees of Tahlequah Public Schools are responsible for the material they publish online as well as the messages sent via computers and wireless telecommunication devices. Any conduct that negatively reflects upon the District or consists of inappropriate behavior on the part of an employee may expose that employee to disciplinary action up to and including discharge. Inappropriate behavior is defined as any activity that harms students, compromises an employee's objectivity, undermines an employee's authority or ability to maintain control of students, or is illegal.

The Technology Department shall approve the technologies suitable for use by Tahlequah Public Schools and its programs. Prior to utilizing social network technologies for professional use, employees must complete the Acceptable Use Policy (4133) for Social Networking Sites form, which is available through Computer Services.

The Tahlequah Public Schools Computer Services is responsible for creating the District's "official" online presence. Any employee who wishes to create an "official" online presence representing a group associated with Tahlequah Public Schools must first obtain approval from their site/department administrator, if applicable, as well as the Superintendent. The employee is also responsible for making annual notification of the continued use of the communication tool to the persons named above. Published material should express individual opinions or factual information and should not take "official" positions for Tahlequah Public Schools. Sites that accept comments or postings by anyone other than the site administrator must be frequently monitored to ensure that the content displayed fits within the guidelines established by this policy.

Students are prohibited from creating an "official" online presence for a school-sponsored group, but may work with an employee, who is also their group sponsor, in maintaining such communication tools. The employee is responsible for all content published online and should frequently monitor the information exchanged. The previous steps to creating an "official" online presence apply to student groups, as well.

Copyright and fair use laws must be respected at all times. Trademarks such as logos, slogans, and digital content such as art, music, or photographs, may require permission from the copyright owner. It is the responsibility of the employee, student, or patron to seek the permission for any such trademarked content. Computer Services with approval of the Superintendent must approve any and all uses of the Tahlequah Public Schools name and/or logos.

### **Expectations of Staff**

District employees are role models and must exemplify ethical behavior in their relationships with students, patrons, and other staff members. Online activity, including personal online activity, is public and is therefore a reflection on Tahlequah Public Schools as an organization. Employees should exercise good judgment and common sense, maintain professionalism, and address inappropriate behavior or activity discovered on these networks. Inappropriate behavior or activity should be immediately communicated to a direct supervisor.

While the District encourages open communication both internally and externally in all forms, communication should not demean the environment. Constructive criticism, both privately and publicly, is welcome; however, harsh or continuous disparagement is discouraged. Material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful, or embarrassing to another person or entity may not be posted. If a public communication would impair the employee's ability to amicably work with Tahlequah Public Schools colleagues, negatively affect the employee's professional reputation and effectiveness as an employee with colleagues, students, parents or patrons, or damage the reputation of Tahlequah Public Schools or any affiliated organization, the action is inappropriate and in violation of this policy.

The District strongly encourages all employees to carefully review the privacy settings on any social media and networking sites used and exercise care and good judgment when posting content and information on such sites. When using electronic communication tools and social networks, the account should be password protected when possible.

## **A. Professional Use of Social Media Networks**

1. The line between professional and personal relationships can become blurred; therefore, District employees should exercise discretion and maintain professionalism when communicating with students via computers or wireless telecommunication devices. Employees should limit this type of communication with students to matters concerning a student's education or extra-curricular activities for which the staff member has assigned responsibility.
2. District employees are prohibited from engaging in private exchanges with students, and should only communicate with groups or in such a manner that the communication can be publicly viewed.
3. Externally communicating any confidential information or information related to Tahlequah Public Schools not intended for public dissemination is always forbidden and may be grounds for immediate termination and legal action. Public information will be released through the Tahlequah Public Schools Communications Office and/or the Office of the Superintendent.
4. Tahlequah Public Schools employees, students, and parents should not be cited, obviously referenced, or depicted in images without proper written approval of the individual, and the confidential details of these individuals should never be disclosed.
5. When using forms of electronic communication to share information with students, District employees are advised to inform parents in writing of the intent to use this form of communication and establish guidelines for such use, and allow them the option to opt out.

## **B. Personal Use of Social Media Networks**

1. Personal use of social media and other social networking activities should be done outside of the work day unless online activity has been assigned to an employee and is related to an employee's scope of practice at Tahlequah Public Schools. Use of an employee's personal social media account to discuss school business with students and parents is prohibited.
2. Tahlequah Public School employees may not use a personal social networking site to discuss students or fellow employees. Employees may not submit or post confidential or protected information about Tahlequah Public Schools, its students, alumni or employees on any social networking sites.
3. Tahlequah Public School employees should be aware that people classified as "friends" or "followers" on personal social networking sites have the ability to download and share the employee's information and photographs with others. Employees are strongly encouraged to set and maintain social networking privacy settings at the most restrictive level.

## **C. Monitoring of Social Media Networks**

1. Anything posted to an employee's publicly accessible website, blog, social media profile, or other internet content for which the employee is responsible, will be subject to all District policies, rules, regulations and guidelines. The District is free to view and monitor an employee's publicly accessible website, blog, or social media profile. Without consent or previous approval. Where applicable, employees may be asked to disclose to the District the existence of and to provide the District with access to an employee's publicly accessible website, blog, or social media account, as part of an employment selection, promotion, or disciplinary process.
2. The Superintendent shall designate those staff persons responsible for monitoring and providing feedback regarding social media networks, "official" and otherwise. The monitoring responsibilities include reviewing the social media networks on a regular basis. If questionable communications or behaviors are discovered on social media networks, the individual will be notified.
3. If Tahlequah Public Schools employees decide to create a personal social media account and they are notified of questionable communications or behavior on their account, they may remove the material or contact their supervisor.
4. To assist in monitoring, as a recommended practice to the extent possible, the Tahlequah Public Schools employee should examine the default settings for comments on social media networks and in general use more restrictive custom settings. The Tahlequah Public Schools employee creating the account should intentionally move to more public settings as dictated by need. If the default setting for comments is turned on, allowing any user to post a comment without review, the comments on the account should be

monitored regularly.

### **Expectations of Students**

- A.** Tahlequah Public Schools supports and encourages students' rights to freedom of speech, expression and association, including the use of electronic tools and social networks. Students are responsible for complying with the district's expectations for student conduct at all times, which includes online activity. Students will be held accountable for the content of their electronic communications, and failure to abide with this and all other policies applicable to students may result in disciplinary action.
- B.** In addition to those behaviors prohibited in the district's expectations for student conduct, making demeaning statements, physical/emotional threats to another person(s), and engaging in any other behavior that can be considered cyber-bullying is unacceptable. Illegal behavior is subject to punishment as appropriate and available to the District. Students who engage in cyber-bullying also risk civil and/or criminal charges and/or lawsuits that may be filed against them by their victim(s) or their victim's family. Whenever necessary, the District will cooperate with the Cyber Crimes Units of local law enforcement agencies.

### **Penalties**

Both district employees and students using social media have no expectation of privacy with regard to their use of such media.

Both district personnel and students face the possibility of penalties, including student suspension and employee termination, for failing to abide by district policies when accessing and using social media.

### **Expectations of Guests**

Tahlequah Public Schools welcomes interaction (comments, posting, sharing etc.) from users of social networking sites such as Facebook, Twitter and YouTube on District pages. The District reminds its social media guests, however, that these sites are not private and, as with any Internet site, their security cannot be guaranteed.

Information guests choose to post on these sites is available to anyone else who visits them. Guests should take this into consideration and use discretion when deciding whether to post personal information about themselves or others on these sites. Use of these sites is voluntary, and any guest using them assumes the risk associated with the use of social networking sites and agrees to release and hold harmless the district for any claims, causes of action, or damages that may arise relating to the guest's use of these sites.

The district reserves the right to remove any and all content and comments at its discretion. Any content or comments it deems to be unlawful, profane, spam, and/or threatening against Tahlequah Public Schools students, faculty, staff, guests, or others or to the District's network or computing systems will be removed and reported to the site on which the content or comments appeared.

Content and comments intended to promote commercial products or services are not permitted under and will be removed. Content which violates any District policy or regulation will be removed. Comments and content posted by guests do not reflect the positions or opinions of Tahlequah Public Schools. The District encourages its guests to report infringing content to the appropriate site according to each site's terms of service.

If you have questions about our social networks and/or these guidelines, please contact [info@tahlequahschools.org](mailto:info@tahlequahschools.org).

### **Other Media**

When authorized as a spokesperson for the District – interviews by the media or via electronic communications (email, social media networks, etc.) – employees should conduct themselves in accordance with their respective negotiated agreements.

**MENTOR TEACHERS**

**4135**

"Mentor Teacher" means any teacher holding a standard certificate who is employed in a school district to serve as a teacher and who has been appointed to provide guidance and assistance to a resident teacher employed by the school district.

- A. It is the intent of the regulations that mentor teachers be selected who possess the requisite knowledge and skills for assisting the resident teacher. Therefore, persons should be selected who possess leadership qualities that can provide the best assistance for a beginning teacher.
- B. The mentor shall be a part of the residency committee which shall determine whether or not to recommend the resident teacher for certification at the conclusion of the year.
- C. Mentor teachers are paid to serve in this capacity.

*Adopted by the Board of Education on 2-13-92. Revised 4-11-96*

**MENTOR TEACHERS - REGULATION**

**4137**

- A. Upon hiring a resident teacher, the Superintendent shall notify the bargaining unit of the areas of certification and the teaching assignment of the resident teacher.
  - 1. The bargaining unit shall submit to the principal a minimum of three names for prospective mentor teachers from the building or district in which the resident teacher is assigned.
  - 2. The mentor teacher shall be a classroom teacher and have a minimum of two years of classroom teaching experience as a certified teacher. The mentor teacher must hold at least a standard certificate. Whenever possible, the minimum three names to be submitted shall have had experience in the teaching field of the resident teacher.
  - 3. The mentor shall have been selected within at least 10 teaching days after the resident teacher enters the classroom.
  - 4. The mentor must provide guidance and assistance to the resident teacher a minimum of 72 hours per year in classroom observation and consultation. No fewer than three observations must be documented using the approved observation form.
  - 5. The mentor shall be a part of the four-person residency committee (resident teacher, higher education representative, administrator and mentor teacher) which shall meet no fewer than three times during the year with the resident teacher.
  - 6. At the conclusion of one school year of residency, the committee will make recommendations to the Board and the preparing institution of higher education as to whether the resident teacher should be issued a certificate or whether such resident teacher shall be required to serve as a resident teacher for one additional school year. In the event a resident teacher serves a second year, the recommendation of the residency committee to the Board and the institution of higher education after the second year shall be for either certification or non-certification.
- B. Submission and selection of mentor teachers shall be in the following rank order:
  - 1. Holds at least a standard certificate in the same area of the resident teacher and is currently teaching in the same area as the resident teacher.
  - 2. Holds at least a standard certificate in the same area as the resident teacher and has had teaching experience in the same field as the resident teacher.
  - 3. Holds at least a standard certificate and is teaching in the same area as the resident teacher.
  - 4. Holds at least a standard certificate and has had teaching experience in the same field as the resident teacher.
  - 5. Holds at least a standard certificate and has approval credentials in the same area as the resident teacher.
  - 6. Holds at least a standard certificate.
  - 7. Emergency situations will require State Board of Education action.

**REFERENCE: Oklahoma Residency Program**

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 7-13-95, Revised 4-11-96*

**TUTORING****4139**

Teachers employed by Tahlequah Public Schools may also be employed as after-school tutors in district programs. *Adopted by the Board of Education on 2-13-92. Revised 7-13-06*

**EMPLOYMENT PRACTICES****4150**

It is the policy of the Board of Education to take action concerning the renewal or non-renewal of all certified employee's contracts on or before the first Monday in June of each year.

- A. The district will provide reasonable assurance in writing to support employees that the district intends to employ for the subsequent school year no later than ten days after the effective date of the education appropriation bill or by June 1, whichever is later.
- B. The Superintendent shall recommend candidates for administrative, support, and certified positions to the Board.
- C. Among other requirements for employment, the Superintendent shall insure that prospective employees produce legally sufficient documents showing citizenship status. Rules and regulations governing the employment process are as follows: See Section 4153.
- D. In the event the Board decides not to employ a candidate who is recommended by the Superintendent, further recommendations should be made to the Board by the Superintendent until a selection is made.
- E. The employment of any person with this school district shall not be made or excluded on the basis of age, sex, race, religion, national origin, handicap, pregnancy, parenthood, marriage, or for any other reason not related to individual capability to perform in the position for which employed. In accordance with Oklahoma Statutes Title 70, section 5-113.1, the Board of Education shall not consider for employment in any capacity a relative within the second degree of consanguinity or affinity of a Board member. However, if such relative is employed with the school district prior to the election of the Board member, such *employment may continue*.

**CROSS REFERENCE:**

***Policy 4627 - Suspension, Demotion, or Termination of Support Personnel***

***Policy 4675 - Reduction-In-Force, Certificated Personnel***

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 9-8-94, Revised 8-10-09*

**EMPLOYMENT PRACTICES - REGULATION****4153**

In accordance with the policy of the Board of Education, the following procedures shall govern the processing of applications for employment with this school district.

- A. All applicants for employment, whether solicited or unsolicited, must produce sufficient and satisfactory identification which shows United States citizenship, or in the case of applicants who are not United States citizens, authorization to seek and hold employment in the United States.
- B. A birth certificate accompanied by an official identification card bearing a photograph and/or fingerprints will be considered as sufficient and satisfactory identification to establish United States citizenship.
- C. If the applicant is not a United States citizen, one or more of the following documents will be sufficient to establish identity:
  - 1. United States passport
  - 2. Certificate of United States citizenship
  - 3. Certificate of naturalization
  - 4. A current, valid passport issued by a foreign country if the passport contains an unexpired endorsement of the Attorney General of the United States authorizing the individual to obtain employment
  - 5. Resident alien card (green card) or other registration card if the card contains a photograph of the applicant and appropriate identifying information
- D. In addition to the documents listed in 1, 2, 3, and 5 above, the applicant must possess one of the following forms of employment authorization:
  - 1. INS Form 1-94 which is an Immigration and Naturalization Service form evidencing an alien's admission into the United States with employment authorization.
  - 2. Permanent residence approval letter giving employment authorization.
  - 3. Official letter from the INS providing authorization to hold employment.

Any documentation which is considered sufficient and satisfactory for the purposes of employment must be copied and the copy retained in the applicant's employment file. The copies will be retained for a period of three years or for one year following the termination of the person's employment, whichever is sooner.

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93*

## **PERSONNEL EMPLOYMENT PROCEDURES –TEACHER**

**4155**

### **DISTRICT INTERVIEW TEAM**

For each position or like positions, a district Interview Team will be assembled by the designated administrator. The Superintendent will not be a part of this team and it will not be greater than six (6) members nor less than three members. \* The primary responsibility of the District Interview Team is to provide input to the building principal regarding the selection of prospective teacher applicants. Anyone that comes within the second degree of consanguinity or affinity of an interviewee is prohibited from being on the interview committee. See Board Policy 2003 for a list of Relation by Consanguinity or Affinity.

- A. For any elementary position, at least two of the members will be teacher representatives from the building incurring the vacancy.
- B. For any secondary position, at least two of the members will be teacher representatives from the building incurring the vacancy.
- C. For Teacher-Coach positions, the district Interview Team will consist of the Athletic Director/Designee, one or two (1 or 2) secondary administrators, and one or two teacher representatives.

\* For each position, the selection of teacher representatives comprising the interview team will be varied.

The Interview Team will be chaired by the designated administrator and will assume the following areas of responsibility:

#### **A. SCREENING OF APPLICATIONS:**

1. Academic/Certification requirements - attention to undergraduate/graduate coursework completed in-state and/or out-of-state
2. Verify Highly Qualified Teacher status
3. Work experiences - attention to local/state/national experiences
4. Application preparation/response to questions

#### **B. INTERVIEWING:**

1. All applicants considered, and file noted
2. Administrator-prepared list of applicants to be interviewed
3. Interview Team conduct interviews
4. Administrator inform each applicant of the duties of the interview team and the responsibility of the designated administrator
5. Completion of Teacher Interview Question form for each applicant interviewed
6. Summary discussion-strengths and weaknesses of each applicant interviewed
7. References - to be checked by the administrator
8. Administrator recommends first choice application to Superintendent and completes Chronological Record. Other applicants listed on the Chronological Form should be listed in order of preference.

Once the review of references and credentials has been conducted, the Superintendent/Designee will communicate in a timely manner with the Administrator so that the applicants can be notified of the recommendation.

Upon verification of references, credentials and final interview conducted by the Superintendent or Designee, a recommendation will be made to the Board of Education for approval.

*Adopted by the Board of Education on 12-9-93. Revised 9-8-94, Revised 4-11-96, Revised 6-15-99, Revised 11-10-08, Revised 7-19-10, Revised 7-21-11*

**INTERVIEW TEAM**

For each position or like positions, an Interview Team will be assembled by the designated administrator. The Superintendent will not be a part of this team and it will not be greater than four (4) members nor less than two members. The primary responsibility of the Interview Team is to provide input to the administrator regarding the selection of prospective support applicants. Anyone that comes within the second degree of consanguinity or affinity of an interviewee is prohibited from being on the interview committee. See Board Policy 2003 for a list of Relation by Consanguinity or Affinity.

The Interview Team will be chaired by the designated administrator and will assume the following areas of responsibility:

**A. Screening of Applications:**

1. Academic requirements
2. Work experiences - attention to local/state/national experiences
3. Application preparation/response to questions

**B. Interviewing:**

1. All applicants considered, and file noted
2. Administrator-prepared list of applicants to be interviewed
3. Interview Team conduct interviews
4. Administrator inform each applicant of the duties of the interview team and the responsibility of the designated administrator
5. Summary discussion-strengths and weaknesses of each applicant interviewed
6. References – to be checked by the administrator
7. Administrator recommends first choice applicant to Superintendent and completes Chronological Record. Other applicants listed on the Chronological Form should be listed in order of preference.

Once the review of references and credentials has been conducted, the Superintendent/Designee will communicate in a timely manner with the Administrator so that the applicants can be notified of the recommendation.

Upon verification of references, credentials and final interview conducted by the Superintendent or Designee, a recommendation will be made to the Board of Education for approval.

*Adopted by the Board of Education on 12-9-93. Revised 9-8-94, Revised 6-25-97, Revised 11-10-08, Revised 7-21-11*

**PERSONNEL EMPLOYMENT PROCEDURES - BUILDING ADMINISTRATOR****4159****Building Administrative Screening Team**

For each building administrative position, a Screening Team comprised of the Superintendent and a representation of district administrators will be assembled. Anyone that comes within the second degree of consanguinity or affinity of an interviewee is prohibited from being on the interview committee. See Board Policy 2003 for a list of Relation by Consanguinity or Affinity. Duties of the Screening Team will include:

**A. Screening of Applications:**

1. Academic/Certification requirements - attention to undergraduate/graduate coursework completed in-state and/or out-of-state
2. Work experiences - attention to local/state/national experiences
3. Review of application
4. References - to be checked by the Superintendent/Designee
5. Select applicants to be interviewed

**B. Initial Interview:**

1. Conduct interviews
2. Select slate of prospective administrative candidates

### **C. District/School Interview Team**

1. For each building administrative position, a District/School Interview Team comprised of parents, teachers and administrators will be assembled by the Superintendent/Designee. \* This team will not be greater than eight (8) members nor less than three members.

\* For each position, the selection of teacher representatives comprising the interview team will be varied.

The District/School Interview Team will be chaired by the Superintendent/Designee and will assume the following areas of responsibilities:

#### **D. Interviewing:**

1. Generate a list of suggested interview questions
2. Participate in interviews
3. Completion of Administrative Interview Question form for each applicant interviewed
4. Summary discussion-strengths and weaknesses of applicants interviewed

Upon final verification of references/credentials and completion of the Chronological Record Report by the Superintendent/Designee, a recommendation will be made to the Board of Education for approval.

*Adopted by the Board of Education on 12-9-93. Revised 9-8-94, Revised 7-21-11*

<b>PERSONNEL EMPLOYMENT PROCEDURES - DIRECTOR/COORDINATOR</b>
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<b>4161</b>
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#### **District Interview Team**

For each position or like positions, a district Interview Team will be assembled by the Superintendent/designee. This team will not be greater than four (4) members nor less than two members. The primary responsibility of the District Interview Team is to provide input to the Superintendent regarding the selection of prospective director/coordinator applicants. Anyone that comes within the second degree of consanguinity or affinity of an interviewee is prohibited from being on the interview committee. See Board Policy 2003 for a list of Relation by Consanguinity or Affinity.

The Interview Team will be chaired by the Superintendent/Designee and will assume the following areas of responsibility:

#### **A. Screening of Applications:**

1. Academic requirements
2. Work experiences - attention to local/state/national experiences
3. Application preparation/response to questions
4. References - to be checked by the administrator

#### **B. Interviewing:**

1. All applicants considered, and file noted
2. Administrator-prepared list of applicants to be interviewed
3. District Interview Team conduct interviews
4. Administrator inform each applicant of the duties of the interview team and the responsibility of the designated administrator
5. Summary discussion-strengths and weaknesses of each applicant interviewed
6. Superintendent/Designee completes Chronological Record

Upon verification of references, credentials and final interview conducted by the Superintendent or Designee, a recommendation will be made to the Board of Education for approval.

*Adopted by the Board of Education on 12-9-93. Revised 9-8-94, Revised 6-25-97, Revised 7-21-11*

<b>NEW TEACHER EMPLOYMENT</b>
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<b>4163</b>
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New teachers in Tahlequah Public Schools will be provided assistance in joining the staff through the Board of Education office and at the building level. During the school year, teachers currently under contract in another district shall not be considered for a position until they provide a written release from their district.

All teachers for the schools of Tahlequah shall be selected on a professional basis. Merit, as judged by all pertinent

standards, shall be the basic criteria by which teachers are selected.

**A. Requirements of Employment:**

1. Application on file
2. Certification in area of assignment
3. Transcripts (official, complete set)
4. Verification of teaching experience
5. Affirmed references for employment
6. Completion of initial screening process
7. Documents for identification
8. Documents that establish employment eligibility

**B. Regular Teachers:**

Candidates for regular teaching positions in the schools of Tahlequah shall have completed a four-year college course in a reputable educational institution and must hold a bachelor's degree and a valid teaching certificate in this field. Teachers in the Tahlequah Schools shall have a B.A. degree or higher. Administrators shall have a master's degree. Teachers with a bachelor's degree are encouraged to complete hours of graduate study until the Master's degree is obtained.

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93*

<b>RESIDENCY PROGRAM</b>	<b>4165</b>
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The Residency Program was implemented as a result of 70 O.S. 1981 Section 6-165 (House Bill 1706). The intent of this legislation is to establish qualifications of teachers in the accredited schools of this state through licensing and certification requirements to ensure that the education of the children of Oklahoma will be provided by teachers of demonstrated ability.

A. House Bill 1706 requires the licensed teacher to participate in the Residency Program during the initial year of teaching in an accredited school under the guidance and assistance of a residency committee in order to qualify for an Oklahoma teaching certificate.

B. "Residency committee" means a committee in a local school district for the purpose of reviewing the teaching performance of a resident teacher and making recommendations to the Board. A resident committee shall consist of a mentor teacher, the principal, or an assistant principal of the employing school or an administrator designated by the local school board and a teacher educator in a college or school of education of an institution of higher learning, or an educator in a department or school outside the institution's college of education. Provided that, if available, qualified mentor teachers shall have expertise in the teaching field of the resident teacher and, if possible, the higher education member of the resident committee shall have expertise and experience in the teaching field of the resident teacher. However, in all cases at least one member of the residency committee shall have expertise and experience in the teaching field of the resident teacher. (House Bill 1706, Section 5, 6.)

C. The residency committee is responsible to:

1. Assist the resident teacher during the initial year of teaching and specifically focus on all areas of classroom management.
2. Make a recommendation regarding certification.
3. Make a recommendation for a staff development program for the teacher for the following year.

*Adopted by the Board of Education on 2-13-92. Revised 4-11-96*

<b>RESIDENCY COMMITTEE, REGULATIONS</b>	<b>4167</b>
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For the Residency Program to be most beneficial to the resident teacher, it is important for the residency committee to follow all of the rules and regulations of the program. It is also important that all members of the committee maintain complete confidentiality as to any of the responsibilities performed or actions taken during the Residency Program. Therefore, no one - other than the committee members, including the resident teacher - should attend a residency committee meeting except by the agreement and consent of all committee members,

including the resident teacher. In addition, no one can "substitute" for a committee member. All committee members, as well as the resident teacher, must be present to constitute an official meeting.

- A. Within the first 20 days, the committee should hold its first committee meeting, following the instructions from the State Department of Education.
- B. All records and documents as outlined in the Residency Program should be prepared, signed, and sent to the appropriate agencies and institutions.
- C. At the conclusion of the resident year and following April 10, the committee makes a recommendation concerning certification of the resident teacher.
- D. Official regulations to be followed are outlined in the State Department of Education publication, Entry-Year Assistance Program Packet, 1990-91.

*Adopted by the Board of Education on 2-13-92. Revised 4-11-96*

## **EMPLOYMENT VACANCIES**

**4169**

The Board of Education of Tahlequah Public Schools is committed to obtaining the best qualified employees. When necessary, the district will seek the involvement of those institutions which will help insure wide notice of the opening. Among those services which will be utilized are the Oklahoma State Employment Security Commission, the State Department of Education, placement services with area universities, and local and area newspapers. Postings will also be made in each local school building and on the school district web site.

- A. When vacancies, new positions, or extra-duty assignment vacancies occur in the school system, teachers within the system are entitled to apply for those positions through transfer requests. Teacher transfers are classified into two categories: Voluntary Requests and Reassignment. Information regarding vacancies and impending vacancies is maintained in the Office of the Superintendent.
- B. Transfers to another building or changes in grade or subject shall be given consideration. Requests for such transfers or reassignments shall be submitted in writing to the Superintendent no later than April 25. All transfer requests are subject to position availability.
- C. A list of vacancies which occur during the school year and for the ensuing school year shall be posted at all school sites one (1) week prior to being filled except in emergencies. First notice of available positions will immediately be sent by district email to all teachers and a printed copy will be sent to each site during the school year. The vacancy list shall include:
  - 1. Position title
  - 2. Building location
  - 3. Status, i.e., permanent, temporary or part-time
  - 4. Qualifications desired
  - 5. Person to contact for further information

*Approved by the Board of Education on 2-13-92. Revised 12-9-93, Revised 7-13-06, Revised 2-14-11*

## **EMPLOYMENT VACANCIES REGULATIONS**

**4171**

### **A. POSTING OF POSITIONS PROCEDURE:**

The Board of Education authorizes the Superintendent to begin posting procedures to fill a vacancy immediately upon receipt of a letter of resignation.

- 1. When necessary, notification of certified and specified non-certified positions will also be sent to personnel offices at selected universities and to local and area newspapers. Notice of vacancies will also be posted in individual school buildings. Board of Education directs the implementation of website and information line notification of vacancy.
- 2. Time constraints may affect the length of time that vacancies are posted. Having a teacher in the classroom when school begins and replacing one during the school year constitute emergency situations for staff and students. When time is less significant, i.e., during summer months or for positions which do not directly impact children, positions will be posted for two weeks. Within two weeks of the opening of school and after school is in session, teaching vacancies will be posted for one week only. Vacancies which are to be filled through in-house posting will have a five-day filing period.

### **B. TRANSFER PROCEDURE:**

The following procedures will be utilized when implementing teacher transfers:

1. Teacher may request transfer after one complete year in the District.
2. Transfer request must be in writing directed to the Superintendent of Schools no later than April 25. The request must include rationale for said transfer.
3. Teachers must be certified in the position requested and meet the "highly qualified" standards for the position requested.
4. If a teacher's request for a specific transfer has not been approved, he/she shall be informed in writing within five (5) days after the official filling of the vacancy. Notification will include, upon request, the rationale for the denial of the transfer.
5. When two or more teachers apply for the same vacancy, the building principal/s will make a recommendation to the Superintendent. Among the items to be taken into consideration are: Total years teaching experience, degrees held and certification, number of years teaching experience in the new subject, number of years teaching in the system, adaptability, and needs of the students.

### **C. REASSIGNMENT PROCEDURE**

1. Teachers whose primary teaching or extra-duty assignments will be changed for the ensuing school year shall be notified in person by the Principal or by letter. Notification of the new assignment will be given at the earliest possible date prior to the end of school.
2. Teachers whose assignments change after the ending of school shall be notified in person by the Principal or by letter. Teachers receiving no notification will continue in their present assignment.
3. All teachers are subject to assignment within their certification classification.

*Approved by the Board of Education on 2-13-92. Revised 12-9-93, Revised 7-13-95, Revised 9-14-95, Revised 11-8-04, Revised 2-14-11*

<b>USE OF ALCOHOL, DRUGS, AND CONTROLLED/ILLEGAL CHEMICAL SUBSTANCES BY EMPLOYEES (DRUG-FREE WORKPLACE)</b>	<b>4173</b>
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The Tahlequah Board of Education endeavors to comply fully with the requirements of the Drug-Free Workplace Act of 1988. Student and employee safety is of paramount concern to the Board of Education. Employees under the influence of alcohol (including low point beverages), drugs, or illegal chemical substances are a serious risk to themselves, to students, and to other employees. Therefore, the Board of Education shall not tolerate the unlawful manufacture, use, possession, sale, distribution or being under the influence of drugs or illegal chemical substances. Nor shall the Board tolerate employees contributing to any unlawful behavior of students which include, but not limited to, alcohol (including low point beverages), drugs, or illegal chemical substances. The use of alcohol and illegal chemical substances has a direct and adverse effect on the safety, personal health, attendance, productivity and quality of work of all employees and the safety of all students. Recent scientific studies demonstrate that the use of alcohol and illegal chemical substances reduces an employee's ability to perform his job beyond the time period of immediate consumption or use. Any employee who violates this policy will be subject to disciplinary action which may include employment termination. Each employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will notify the Superintendent of any criminal drug statute conviction for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the Superintendent no later than five days after conviction. The Superintendent will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency within ten days after the Superintendent receives such notification.

- A. Thirty days following receipt of the above notification, the district will take appropriate disciplinary action which may include termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.
- B. Each employee will attend a district drug-free awareness program at which employees will be informed about the dangers of drug abuse in the workplace; this policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. The Board of Education recognizes that employees who have a drug abuse problem should be encouraged to

seek professional assistance. An employee who requests assistance shall be referred to a treatment facility or agency in the community if such facility or agency is available.

- D. When it is evident that a staff member has consumed alcohol (including low point beverages), drugs or illegal chemical substances off school property and/or before a school activity, the staff member will not be allowed on school property or to participate in school activities. Staff members who violate this regulation will be subject to the same penalties as for possession or consumption on school property.
- E. The Tahlequah Board of Education took official action at its March 9, 1989, meeting to comply with the Drug-Free Workplace Act of 1988. We are required to notify employees of the following:
  - 1. The unlawful manufacture, distribution, dispensing, possession or use of an illegal chemical substance is prohibited in any of the various workplaces or vehicles of the District or when an employee is performing job responsibilities. Failure to comply may be cause for dismissal.
  - 2. All employees must abide by these terms.
  - 3. Any employee is required to notify the employer (Superintendent of Schools) of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

#### F. DEFINITIONS

- 1. "**Illegal chemical substance**" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Oklahoma law. "Illegal chemical substance" includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substances Act, all prescription drugs obtained without authorization and all prescribed drugs and over the counter drugs being used for an abusive purpose. By this policy, applicants and employees are placed on notice that the school district may test individuals for drugs and alcohol.
- 2. "**Alcohol**" means ethyl alcohol or ethanol.
- 3. "**Under the influence**" means any employee of the School District or applicant for employment with the School District who has any alcohol or illegal chemical substance or the metabolites thereof present in the person's body in any amount which is considered to be "positive" for such alcohol or drug or drug metabolites using any scientifically substantiated alcohol or drug use screen test and alcohol or drug use confirm test.
- 4. "**Positive**" when referring to an alcohol or drug use test, means a toxicological test result which is considered to demonstrate the presence of alcohol or an illegal chemical substance or the metabolites thereof using the cutoff standards or levels determined by the State Board of Health or in the absence of such State Board cutoff levels, the cutoff levels customarily established by the testing laboratory administering the alcohol or drug use test.
- 5. "**School property**" means any property owned, leased or rented by the School District, including but not limited to school buildings, parking lots and motor vehicles.
- 6. "**Drug or alcohol test**" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test.
- 7. "**On duty**" means any time during which an employee is acting in an official capacity for the School District or performing tasks within the employee's job description, including the taking of an annual physical examination.

The Board of Education hereby commits itself to a continuing good faith effort to maintain a drug-free workplace. This policy shall be communicated in writing to all present and future employees.

*Adopted by the Board of Education on 7-13-89. Revised 12-9-93, Revised 8-8-96, Revised 01-16-12*

## MEDICAL MARIJUANA

4174

### Introduction

Regardless of a student, employee, parent or any individual's status as a medical marijuana licenses holder, marijuana is not allowed on the premises of the district or in any school vehicle or any vehicle transporting a student under any circumstances. While the use of medical marijuana in conjunction with the possession of a medical marijuana license is legal in the State of Oklahoma, marijuana is a prohibited controlled substance under federal law regardless of the use being for medical purposes. Accordingly, possession of marijuana by a student,

employee, parent or any individual, notwithstanding the possession of a medical marijuana license, is strictly prohibited while on the premises of the district and in school vehicles; going to and from and attending district sponsored functions, events, and athletic activities, including those district sponsored functions, events and/or athletic activities which occur in a location other than the premises of the district; utilizing district equipment or transportation; and in any other instance in connection with the district where the district reasonably deems the possession of marijuana to be illegal.

In the event that a student, employee, parent or any individual is found to possess or to have possessed marijuana in any of the instances stated above, the district will proceed with all actions and consequences that are afforded under any state or federal law, employment contract, district policy, student handbook provision, or any other authority applicable to or adopted by the district.

### **Definitions**

The terms “marijuana” and “possession of marijuana” will be interpreted by the district in accordance with state and federal law. The term “marijuana” includes, but is not limited to, any form of marijuana; all parts of the plant Cannabis Sativa L., whether growing or not; marijuana seeds; marijuana oil, extract, resin, or residue; cannabidiol in any form; and marijuana edibles. Any conflict between state and federal law as to the definition of “marijuana” or “possession of marijuana” will be interpreted in favor of federal law.

### **Nondiscrimination**

There will be no discrimination in the district because of an individual’s status as a medical marijuana license holder.

### **Overlap with Other District Policies**

The district recognizes that the legal aspects and consequences of medical marijuana are new and possibly subject to change. These legal aspects and consequences of medical marijuana effect many areas of the district’s current policies regarding employees, students, parents and individuals on district premises or attending district events. The district will continue to enforce its current adopted policies. As the need arises with changes in state and/or federal law, the district will consider and/or examine district policies in order to assess whether revisions, if any, may be needed to a district policy in order to comply with state and federal law.

### **Employees**

Employees of the district are expected to comply with state and federal law at all times as a term of their continued employment with the district. In that regard, employees are hereby notified that any person who uses or is addicted to marijuana, regardless of whether his or her state has passed legislation authorizing marijuana use for medicinal or recreational purposes, is an unlawful user of or addicted to a controlled substance and is prohibited by federal law from possessing firearms or ammunition. *See* Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) open letter to all federal firearms licensees (<https://www.atf.gov/file/60211/download>). Employees are expected to adhere to any and all open letters, formal opinions, directives, or any other instruction provided by federal or state agencies regarding state and/or federal law.

*Adopted by the Board of Education on 9-13-18.*

<b>CERTIFICATION REGARDING DRUG-FREE WORKPLACE (Public Law 101-226)</b>
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<b>4175</b>
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This certification, as required by Section 5145 of the Drug-Free Schools and Communities Act, as added by Section 22 of the Drug-Free Schools and Community Act Amendments of 1989 (P.L. 101-226), must be submitted to the state educational agency (SEA) in order for the local educational agency (LEA) to be eligible to receive funds or any other form of financial assistance under any federal program after October 1, 1990.

Inasmuch as the U.S. Secretary of Education has established a suggested date of September 4, 1990, for submission of certification by SEAs in order to ensure that the receipt of funds or other federal financial assistance by the SEA and the LEAs is not interrupted, the Oklahoma State Department of Education has established the date of August 24, 1990, for submission of this certification by the LEA.

#### **A. CERTIFICATION**

By signing this certification form, the undersigned certifies that this district (the LEA) has adopted and implemented a drug prevention program for all its students and employees that, at a minimum, includes:

##### **1. For Students:**

- a. Age-appropriate, developmentally based drug and alcohol education and prevention programs (which addresses the legal, social, and health consequences of drugs, illegal chemical substances and alcohol use and which provide information about effective techniques for resisting peer pressure to use illegal drugs, illegal chemical substances or alcohol) for all students in all grades of the schools operated or served by the LEA, from early childhood level through Grade 12.
- b. A statement to students that the use of illegal drugs, illegal chemical substances and the unlawful possession and use of alcohol is wrong and harmful.
- c. Standards of conduct that are applicable to students in all the LEA's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illegal drugs, illegal chemical substances and alcohol by students on school premises or as part of any of its activities.
- d. A clear statement that disciplinary sanctions (consistent with local, state, and federal law), up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards of conduct required by paragraph (c), and a description of those sanctions. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- e. Information about any drug and alcohol counseling and rehabilitation and re-entry programs that is available to students.
- f. A requirement that parents and students be given a copy of the standards of conduct (paragraph [c]) and the statement of disciplinary sanctions (paragraph [d]).
- g. Notification to parents and students that compliance with the standards of conduct (paragraph [c]) is mandatory.
- h. A biennial review by the LEA of its program to:
  - 1) Determine its effectiveness and implement changes to the program if needed; and
  - 2) Ensure that disciplinary sanctions (paragraph [d]) are consistently enforced.

**2. For Employees:**

- a. Standards of conduct applicable to employees that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illegal drugs, illegal chemical substances and alcohol on school premises or as part of any of its activities.
- b. A clear statement that disciplinary sanctions (consistent with local, state, and federal law) up to and including termination of employment and referral for prosecution, will be imposed on employees who violate the standards of conduct (paragraph [a]), and a description of those sanctions. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- c. Information about any drug and alcohol counseling and rehabilitation and re-entry programs that is available to employees.
- d. A requirement that employees be given a copy of the standards of conduct (paragraph [a]) and the statement of disciplinary sanctions required (paragraph [b]).
- e. Notification to employees that compliance with the standards of conduct (paragraph [a]) is mandatory.
- f. A biennial review by the LEA of its program to:
  - 1) Determine its effectiveness and implement changes to the program if needed; and
  - 2) Ensure that disciplinary sanctions (paragraph [b]) are consistently enforced.

\_\_\_\_\_, \_\_\_\_\_,  
 District Name County

\_\_\_\_\_  
 Co.-District Number

\_\_\_\_\_  
 Name of District Superintendent (Principal if Dependent District)

\_\_\_\_\_  
 Signature Date

\_\_\_\_\_  
 Name of School Board President

Signature

Date

*Adopted by the Board of Education on 2-13-92. Revised 01-16-12*

**EMPLOYEE STANDARDS OF CONDUCT**

**4177**

TAHLEQUAH PUBLIC SCHOOLS  
BOX 517 - 225 N. WATER,  
TAHLEQUAH, OK 74465  
918 - 458 - 4100

**EMPLOYEE STANDARDS OF CONDUCT**

The Tahlequah Board of Education took official action at its April 3, 1993, meeting to comply with Section 5145 of the Drug Free Schools and Communities Act, as added by Section 22 of the Drug Free Schools and Communities Act Amendment of 1989 (P.L. 101-226). We are required to notify you of the following:

1. The unlawful manufacture, distribution, dispensing, possession or use of an illegal chemical substance is prohibited in any of the various workplaces or vehicles of the District or when an employee is performing job responsibilities. Nor shall the employee contribute to any unlawful behavior of students which includes alcohol (including low point beverages), drugs or illegal chemical substances. Failure to comply may be cause for dismissal.
2. Any employee is required to notify the employer (Superintendent of Schools) of any criminal drug statute conviction for a violation occurring within or outside of the workplace no later than five days after such conviction.
3. If any employee has a drug related problem, contact the Central Office. They will direct you to agencies that can help.
4. Employees who violate the Standards of Conduct shall be subject to disciplinary sanctions consistent with local, state, and federal law. Disciplinary sanctions may include the possibility of probation, suspension, termination, and/or completion of an appropriate rehabilitation program.
5. All employees must abide by these terms.

I have read the above memo regarding the Drug Free Schools and Communities Act. I understand that failure to abide by the provisions may be cause for dismissal.

Signature

Date

*Adopted by the Board of Education on 3-27-93. Revised 12-9-93, Revised 8-8-96, Revised 01-16-12*

**TESTING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT (OTHER THAN BUS DRIVERS)  
WITH REGARD TO THE USE OF ALCOHOL AND ILLEGAL CHEMICAL SUBSTANCES 4178**

**A. STATEMENT OF PURPOSE AND INTENT**

1. The safety of students and employees of the School District is of paramount concern to the School Board.
2. Employees who are under the influence of alcohol or an illegal chemical substance when the employee is on duty or on school property pose serious safety risks to students and other employees.
3. The use of alcohol and illegal chemical substances has a direct and adverse effect on the safety, personal health, attendance, productivity and quality of work of all employees and the safety of all students.
4. Recent scientific studies demonstrate that the use of alcohol and illegal chemical substances reduces an employee's ability to perform his job beyond the time period of immediate consumption or use.
5. The Board recognizes that all employees have certain personal rights guaranteed by the Constitutions of the United States of America and the State of Oklahoma as well as by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, OKLA. STAT. tit. 40, §§ 551 et seq. This policy will not infringe on those rights.
6. As a part of this policy, the Board hereby adopts an Employee Assistance Program in which employees

may be referred to third-party providers who will provide the employee, at the employee's expense, a confidential drug and alcohol dependency evaluation and referral service for substance abuse counseling, treatment or rehabilitation. The Board encourages employees who have chemical dependency problems to seek professional assistance.

7. Due to the devastating impact that the use of alcohol and illegal chemical substances can have on the safety of students and employees and their adverse effect on an employee's ability to perform the employee's job, the Board will not tolerate employees who use, possess, distribute, purchase, sell or are under the influence (as defined in the policy) of alcohol or illegal chemical substances when on duty or while on school property.
8. This policy will apply to all employees of the School District regardless of position, title or seniority except bus drivers. The testing of bus drivers for alcohol or illegal chemical substances is exclusively governed by the School District's policy on Alcohol and Drug Testing for Drivers and the federal Omnibus Transportation Act of 1991.
9. Violations of this policy will subject the employee to disciplinary action, including termination.

## B. DEFINITIONS

1. **"Applicant"** means a person who has applied for a position with an employer and received a conditional offer of employment.
2. **"Illegal chemical substance"** means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Oklahoma law. "Illegal chemical substance" includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substances Act, all prescription drugs obtained without authorization and all prescribed drugs and over the counter drugs being used for an abusive purpose. By this policy, applicants and employees are placed on notice that the school district may test individuals for drugs and alcohol.
3. **"Alcohol"** means ethyl alcohol or ethanol.
4. **"Under the influence"** means any employee of the School District or applicant for employment with the School District who has any alcohol or illegal chemical substance or the metabolites thereof present in the person's body in any amount which is considered to be "positive" for such alcohol or drug or drug metabolites using any scientifically substantiated alcohol or drug use screen test and alcohol or drug use confirm test.
5. **"Positive"** when referring to an alcohol or drug use test, means a toxicological test result which is considered to demonstrate the presence of alcohol or an illegal chemical substance or the metabolites thereof using the cutoff standards or levels determined by the State Board of Health or in the absence of such State Board cutoff levels, the cutoff levels customarily established by the testing laboratory administering the alcohol or drug use test.
6. **"School property"** means any property owned, leased or rented by the School District, including but not limited to school buildings, parking lots and motor vehicles.
7. **"Drug or alcohol test"** means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test.
8. **"Employee"** means any person who supplies labor for remuneration to his or her employer in this state and shall not include an independent contractor, subcontractor or employees of an independent contractor; provided, however, an independent contractor, subcontractor, or employees of an independent contractor, may be subject to a workplace drug or alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar classification or group.
9. **"On duty"** means any time during which an employee is acting in an official capacity for the School District or performing tasks within the employee's job description, including the taking of an annual physical examination.
10. **"Bus driver"** means:
  - a. a School District employee who is required to have a commercial drivers' license ("CDL") to perform the employee's duties;

- b. employees of independent contractors who are required to have a CDL;
  - c. owner-operators;
  - d. leased drivers; and
  - e. occasional drivers.
11. To the extent not specifically defined herein, the definition of any term, word or phrase found in this policy shall be as set forth in the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.

### **C. Procedures for Alcohol or Illegal Chemical Substance Testing**

1. Any alcohol or drug use test administered under the terms of this policy will be administered by or at the direction of a testing facility licensed by the Oklahoma State Department of Health and using scientifically validated toxicological methods that comply with rules promulgated by the State Department of Health. Testing facilities shall be required to have detailed written specifications to assure chain of custody of the samples, proper labeling, proper laboratory control and scientific testing. All aspects of the alcohol and drug use testing program, including the taking of samples, will be conducted so as to safeguard the personal and privacy rights of applicants and employees. The test sample shall be obtained in a manner which minimizes its intrusiveness.

In the case of urine samples, the samples must be collected in a restroom or other private facility behind a closed stall; a sample shall be collected in sufficient quantity for splitting into two (2) separate samples, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of a challenge of the test results of the main sample; the test monitor shall not observe any employee or applicant while the sample is being produced but the test monitor may be present outside the stall to listen for the normal sounds of urination in order to guard against tampered samples and to insure an accurate chain of custody; and the test monitor may verify the normal warmth and appearance of the sample. If at any time during the testing procedure the test monitor has reason to believe or suspect that an employee/applicant is tampering with the sample, the test monitor may stop the procedure and inform the test coordinator. The test monitor shall be of the same gender as the applicant/employee giving the sample.

The test monitor shall give each employee or applicant a form on which the employee or applicant may, but shall not be required to, list any medications he has taken or any other legitimate reason for his having been in recent contact with alcohol or illegal chemical substances.

- 2. If the initial drug use test is positive for the presence of an illegal chemical substance or the metabolites thereof, the initial test result will be subject to confirmation by a second and different test of the same sample. The second test will use the gas chromatography/mass spectroscopy technique or an equivalent scientifically accepted method of equal or greater accuracy as approved by rules of the State Board of Health, at the cutoff levels determined by Board rules. An applicant for employment will not be denied employment or an employee will not be subject to disciplinary procedures unless the second test is positive for the presence of illegal chemical substances or the metabolites thereof.
- 3. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second and different test using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules.
- 4. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.
- 5. Any applicant for employment or employee who is subject to disciplinary action as a result of being under the influence of alcohol or an illegal chemical substance, as and for an appeal procedure, will be given a reasonable opportunity, in confidence, to explain or rebut the alcohol or drug use test results. If the applicant or employee asserts that the positive test results are caused by other than consumption of alcohol or an illegal chemical substance by the applicant or employee, then the applicant or employee will be given an opportunity to present evidence that the positive test result was produced by other than consumption of alcohol or an illegal chemical substance. The School District will rely on the opinion of the District's testing facility which performed the tests in determining whether the positive test result was produced by other than consumption of alcohol or an illegal chemical substance.

In the case of drug use testing, the employee or applicant will have a right to have a second gas

chromatography/ mass spectroscopy or equivalent test performed on the same test sample at the expense of the employee or applicant. In the case of alcohol testing, the employee or applicant will have a right to have a second test performed on the same test sample using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules. The request for the second test must be made within twenty-four (24) hours of receiving notice of a positive test in order to challenge the results of a positive test and subject to the approval by the School District's testing facility that (a) the facility selected by the applicant or employee for the second test meets the qualifications required for a testing facility under the Oklahoma Standards for Workplace Drug and Alcohol Testing Act and (b) the testing methodology used by the facility selected by the employee or applicant conforms to scientifically accepted analytical methods and procedures, including the cutoff levels, as determined by the State Board of Health. If the re-test reverses the findings of the challenged positive result, then the School District will reimburse the applicant or employee for the costs of the re-test. A proper chain of custody shall be maintained at all times in transmitting the sample to and from a second testing facility.

6. The School District may permit testing for drugs or alcohol by other methods reasonably calculated to detect the presence of drugs or alcohol, including but not limited to breathalyzer testing, testing by use of a single-use test device, known as onsite or quick testing devices, to collect, handle, store, and ship a sample collected for testing. However, a breathalyzer test shall not be grounds for immediate termination absent a confirmation test.
7. The testing facility reports and results of alcohol and drug use testing will be maintained on a confidential basis except as otherwise required by law. The laboratory performing alcohol or drug use tests for the School District will not report on or disclose to the School District any physical or mental condition affecting an employee or employment applicant which may be discovered in the examination of a sample other than the presence of alcohol or illegal chemical substances or the metabolites thereof. The use of samples to test for any other substances will not be permitted.

#### **D. EMPLOYEE ALCOHOL AND DRUG USE TEST REQUIREMENTS**

The district is authorized to conduct drug and alcohol testing in accordance with the Standards for Workplace Drug and Alcohol Testing Act. The District has chosen to conduct drug or alcohol testing under the following circumstances:

1. Applicant testing: The District will require an applicant, as defined above, to undergo drug or alcohol testing and may use a refusal to undergo testing or a positive test result as a basis for refusal to hire.
2. For-cause testing: The District will require an employee to undergo drug or alcohol testing at any time the Superintendent, or designee, reasonably believes that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:
  - a. drugs or alcohol on or about the employee's person or in the employee's vicinity,
  - b. conduct on the employee's part that suggests impairment or influence of drugs or alcohol,
  - c. report of drug or alcohol use while at work or on duty,
  - d. information that an employee has tampered with drug or alcohol testing at any time,
  - e. negative performance patterns, or
  - f. excessive or unexplained absenteeism or tardiness.
3. Post-accident testing: The District will require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work or the employer's property has been damaged, including damage to equipment. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test required by the employer, shall be eligible for such compensation.
4. Random testing: As determined appropriate by the Board of Education, the District may require an employee or all members of an employment classification or group to undergo drug or alcohol testing at random and may limit its random testing programs to particular employment classifications or groups, except that the District will require random testing only of employees who:
  - a. are police or peace officers, have drug interdiction responsibilities, or are authorized to carry firearms, or

- b. are engaged in activities which directly affect the safety of others, including but not limited to school vehicle mechanics.
5. Scheduled, periodic testing: The District will require an employee to undergo drug or alcohol testing as a routine part of a routinely scheduled employee fitness-for-duty medical examination of employees who:
  - a. are police or peace officers, have drug interdiction responsibilities, or are authorized to carry firearms, or
  - b. are engaged in activities which directly affect the safety of others, including but not limited to school vehicle mechanics.
6. Post-rehabilitation: The District may request or require an employee to undergo drug or alcohol testing for a period of up to two (2) years commencing with the employee's return to work, following a positive test or following participation in a drug or alcohol dependency treatment program.

**E. EMPLOYEE USE, SALE, POSSESSION, DISTRIBUTION, PURCHASE OR BEING UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL CHEMICAL SUBSTANCE**

Any employee who possesses, uses, distributes, purchases, sells or is confirmed by alcohol or drug use tests to be under the influence (as defined by this policy) of alcohol or an illegal chemical substance while on duty, while on school property or as a result of alcohol or drug use tests conducted under this policy will be subject to disciplinary action, including termination.

**F. ALCOHOL AND DRUG USE TESTS OF APPLICANTS FOR EMPLOYMENT – WHEN REQUIRED**

All applicants for employment will be required to submit to alcohol and/or drug use testing after a conditional offer of employment has been made to the applicant. All applicants will be notified that alcohol and/or drug use testing will occur if they are offered a conditional offer of employment. Any applicant who refuses to submit to an alcohol or drug use test after a conditional offer of employment will not be hired.

**G. APPLICANTS UNDER THE INFLUENCE OF ALCOHOL OR AN ILLEGAL CHEMICAL SUBSTANCE**

Any applicant who is confirmed by alcohol or drug use tests to be under the influence (as defined by this policy) of alcohol or an illegal chemical substance will not be hired.

**H. PERSON AUTHORIZED TO ORDER ALCOHOL OR DRUG TESTING**

The following persons have the authority to require alcohol or drug use testing of employees under this policy:

1. The Superintendent of Schools;
2. Any employee designated for such purposes by the Superintendent or the School Board.

**I. RELEASE OF INFORMATION**

1. Upon written request, the applicant for employment or the employee will be provided, without charge, a copy of all information and records related to the individuals' testing. All test records and results will be confidential and kept in files separate from the employee or applicant's personnel records.
2. The School District shall not release such records to any person other than the applicant, employee or the district's review officer unless the applicant or employee, in writing following receipt of the test results, has expressly granted permission for the School District to release such records in order to comply with a valid judicial or administrative order.
3. The testing facility, of any agent, representative or designee of the facility, or any review officer, shall not disclose to any employer, based on the analysis of a sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to the general health, pregnancy, or other physical or mental condition of the applicant or employee.
4. The testing facility shall release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual tested upon request.
5. This policy does not preclude the School District, when contracting with another employer, from sharing drug or alcohol testing results of any tested person who works pursuant to a contractual agreement.

## **J. NOTICE OF POLICY**

This policy shall be given broad circulation to all employees of the School District which shall include prominent posting in the School District. Each employee shall be given a copy of this policy and each applicant shall be given a copy of this policy upon the tender of a conditional offer of employment. Delivery of the policy to applicants or employees may be accomplished in any of the following ways:

1. Hand-delivery of a paper copy of or changes to the policy;
2. Mailing a paper copy of the policy or changes to the policy through the U.S. Postal Service or a parcel delivery service to the last address given by the employee or applicant;
3. Mailing a paper copy of the policy or changes to the policy through the U.S. Postal Service or a parcel delivery service to the last address given by the employee or applicant;
4. Posting a copy in a prominent employee access area.

## **K. THE STANDARD FOR WORKPLACE DRUG AND ALCOHOL TESTING ACT**

This policy is subject to and supplemented by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act (the "Act"). To the extent that any provision of this policy is in conflict with the Act, then the Act shall control. This policy shall be interpreted by the Board of Education of the School District and its employees consistent with the Act.

*Revised by the Board of Education on 01-16-12.*

<b>SMOKE FREE ENVIRONMENT/ TOBACCO USE POLICY</b>
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<b>4179</b>
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Tahlequah Public Schools is committed to providing a healthy, comfortable, and productive environment for all persons using school facilities. Tahlequah Public Schools recognizes that the use of smokeless tobacco, tobacco smoking and the environmental tobacco smoke (second hand smoke) has been shown to be linked to illnesses and disabilities and that federal law prohibits smoking in any indoor facility or the grounds thereof, which is used to provide educational services to children. This policy is intended to improve the health and safety of all individuals using the schools.

**A.** Therefore, smoking, chewing/dipping, use of vapor products, or any other use of tobacco by faculty, staff, students, and members of the public is prohibited on, in, or upon any school property, 24 hours per day, seven days per week, including non-school days and will apply to all students, faculty, staff and visitors and to any outside agency using the district's facilities. Possession of tobacco products and vaping products (or a lighter) is prohibited by students on, in, or upon any school property.

1. "School Property" is defined as all property owned, leased, rented, or otherwise used by any school in this district including but not limited to the following:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance, or storage. This includes but is not limited to areas normally reserved for the exclusive use of faculty or support staff.
  - b. All school grounds and buildings over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking lots.
  - c. All vehicles used by the district for transporting staff, students, and visitors.
2. "Tobacco" is defined as any lighted or unlighted cigarette, cigar, pipe tobacco, bidi, snuff, chewing/dipping tobacco and all other kinds and forms of tobacco prepared in such manner to be suitable for chewing/dipping, smoking (or both), and includes cloves or any other product packaged for smoking
3. "Use" is defined as lighting, chewing/dipping, inhaling, or smoking any tobacco or vaping products as defined within this policy.

4. "Vapor product" is defined as noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor product shall also include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor products do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetics Act.

- B. It will further be the policy of the district that students will not be permitted to use tobacco or tobacco products, including smokeless tobacco, while participating in any class or activity in which they represent the district.
- C. Employees of the district will not be permitted to use in public, or in view of the students, tobacco or tobacco products while they are participants in any class or activity in which they represent the district.
- D. The district prohibits tobacco advertising on school property, at school functions, and in school publications. This includes gear, paraphernalia, clothing, etc.
- E. School administrators shall notify students, families, education personnel, and school visitors of the tobacco-free / vape policy in handbooks and newsletters, on posted notices or signs at every school entrance and other appropriate locations, and by other efficient means.
- F. It is the responsibility of all students, employees, and visitors to enforce this policy through verbal admonition. Students and employees in violation of this policy may be subject to germane sanctions as determined by written policy, including disciplinary action. Patrons who violate this policy may be asked to leave school property.
- G. To the extent possible, tobacco use prevention education will be integrated within the instructional programs of the district.
- H. As a function of improving student health, the district will work with available community resources to develop and implement voluntary programs to assist students in overcoming tobacco addiction and in the cessation of tobacco use. Attendance or completion of such programs will be allowed as a voluntary substitute to disciplinary sanctions (including suspension) imposed for possession or use of tobacco.

**REFERENCE: 21 O.S. §1247  
63 O.S. §1-1522, et seq.  
70 O.S. § 1210.212  
20 U.S.C. §6083**

*Adopted by the Board of Education on 12-13-90. Revised 2-13-92, Revised 7-15-04, Revised 11-14-05, Revised 11/21/19*

**RELEASE FROM CONTRACTS**

**4200**

Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such a school district the contract shall be binding on the teacher and on the Board of Education until the teacher legally has been discharged from his teaching position or released by the Board of Education from his contract. Until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any

other Board of Education in Oklahoma.

If, prior to the first Monday in June, the Board of Education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to re-employ the teacher for the ensuing fiscal year, and if, by no later than fifteen (15) days after the first Monday in June, such teacher has not notified the Board of Education in writing by registered or certified mail that such teacher does not desire to be reemployed by the district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and such employment and continuing contract shall be binding on the teacher and the district.

Teacher termination and non-renewal are discussed in other sections of this manual.

*Adopted by the Board of Education on 2-13-92. Revised 8-10-09*

## **STAFF RESIGNATIONS**

**4203**

Any certified staff member intending to terminate his/her service is expected to notify the Superintendent no later than fifteen (15) days after the first Monday in June. A written resignation must be presented to the Superintendent with a copy to the Principal.

The Board of Education authorizes the Superintendent or designee to immediately accept employee resignations and to terminate employment via resignation pursuant to Board policy, TESPAs, and TEA negotiated agreements, and law prior to formal Board approval.

*Approved by the Board of Education on 2-13-92. Revised 6-25-97, Revised 1-12-04, Revised 8-10-09*

## **SALARY SCHEDULE**

**4225**

It is the policy of the Board of Education that all teachers shall be paid no later than the last working day of the month. All full-time employees will be paid on a twelve-month basis.

**REFERENCE: 70 O.S. Sec. 6-106 Op. Atty. Gen. No. 84-87 (July 24, 1984)**

*Adopted by the Board of Education on 2-13-92. Revised 7-15-04*

## **REPORT OF ABSENCE**

**4227**

When teachers are away from their official duty, they should complete the Leave from Duty Notice. It is retained in the building where the teacher is assigned and is used as documentation for the monthly Teacher Absence Report which is forwarded to the payroll clerk at the district office.

*Adopted by the Board of Education on 2-13-92. Revised 6-25-97*

## **FAMILY AND MEDICAL LEAVE POLICY**

**4350**

The Board of Education of Tahlequah Public Schools will provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for Tahlequah Public Schools for at least one year, and for 1,250 hours over the previous twelve months.

**A.** Reasons for unpaid leave which fall under the Family and Medical Leave Act of 1993 are as follows:

- 1.** To care for the employee's child after birth, or placement for adoption or foster care;
- 2.** To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- 3.** For a serious health condition that makes the employee unable to perform the employee's job.

**B.** The Board of Education directs the Superintendent to establish the necessary procedures and guidelines in order to carry out the Family and Medical Leave Act.

**C.** Employee may not work another job while off on Family & Medical Leave.

*Adopted by the Board of Education on 2-10-94. Revised 3-10-94, Revised 7-9-98*

## **FAMILY AND MEDICAL LEAVE-PROCEDURES AND GUIDELINES**

**4353**

(THIS COPY HAS BEEN REVISED BY TEA)

The Family and Medical Leave Act () of 1993 was enacted on February 5, 1993. The new law is effective on August 5, 1993, for most employers. If a collective bargaining agreement is in effect on that date, the Act becomes effective on the expiration date of the collective bargaining agreement or February 5, 1994, whichever is earlier. (Dept. of Labor Publication)

**A. PURPOSE OF FMLA:**

1. Entitles eligible employees to take up to twelve (12) weeks of unpaid, job protected leave each year for specified family and medical reasons.

**B. REASONS:**

1. For the birth or placement of a child for adoption or foster care;
2. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
3. To take medical leave when the employee is unable to work because of a serious health condition.
4. Military Family Leave Entitlements.

**C. EMPLOYEE ELIGIBILITY:**

1. work for a covered employer;
2. Have worked for the employer for a total of at least 12 months;
3. Have worked at least 1,250 hours over the previous 12 months--NOTE: Full-time teachers are exempt employees from this requirement; and
4. Work at a location where at least 50 employees are employed by the employer within 75 miles.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and care for a parent (but not a parent-in-law) who has a serious health condition.

**D. MILITARY CAREGIVER LEAVE:**

A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard of Reserves, who is undergoing medical treatment recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. (Only 12 of the 26 weeks total may be for an FMLA-qualifying reason other than to care for a covered service member.)

**E. QUALIFYING EXIGENCY LEAVE:**

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

**F. INTERMITTENT LEAVE:**

1. FMLA leave may be taken intermittently whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the employer's operations, subject to the approval of the health care provider.
2. In such cases, the employer may also transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular job. 825.601

3. Leave Taken Near the End of an Academic Semester (school semester):
  - a. If the instructional employee's leave begins more than five (5) weeks prior to the end of the academic semester, the school district can require the employee to continue taking leave to the end of the semester if:
    - 1) The leave lasts at least three (3) weeks; and
    - 2) The return to employment would occur during the last three (3) weeks of the semester.
    - 3) If the leave begins less than five (5) weeks prior to the end of the semester, the school district can require the instructional employee to continue taking leave to the end of the semester if:
      - a) The leave lasts more than two (2) weeks; and
      - b) The return to employment would occur during the last two (2) weeks of the semester.
    - 4) If the leave begins less than three (3) weeks prior to the end of the semester and the leave lasts more than five (5) working days, then the school district can require the instructional employee to continue taking leave to the end of the semester. 825.602

**G. SUBSTITUTION OF PAID LEAVE:**

1. Subject to certain conditions, employees may choose to use accrued paid sick leave to cover some or all of the otherwise unpaid FMLA leave.

**H. PROCEDURES:**

1. Employees seeking to use FMLA leave will fill out the FMLA leave request form located in the Central Office and may be required to provide:
  - a. 30-day notice of need to take FMLA leave when the need is foreseeable.
  - b. Medical certifications supporting the need for leave due to serious health condition affecting the employee or an immediate family member;
  - c. Second or third medical opinions and periodic recertification, at the employer's expense.
  - d. Periodic reports during FMLA leave on the employee's status and intent to return to work; and,
  - e. A "fitness-for-duty" certification to return to work.

**I. PROTECTIONS:**

**1. Unlawful Acts:**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by this law. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

**2. Enforcement:**

FMLA will be enforced by the Wage and Hour Division of the U. S. Labor Department's Employment Standards Administration. This agency will investigate complaints of violations. If violations cannot be satisfactorily resolved, the Department may bring actions in court to compel compliance.

An eligible employee may bring a private civil action against an employer for violations.

**J. MAINTENANCE OF BENEFITS:**

1. A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same semesters as if the employee had continued to work.
2. An employer's obligation to maintain health benefits under FMLA will stop if and when an employee informs the employer of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is used up.
3. In some instances, the employer may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.
4. All benefits presently covered in the negotiated agreement are to be maintained not subject to retribution.

**K. JOB RESTORATION:**

1. Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment semesters and conditions.
2. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

**L. DEFINITION OF SEMESTERS:**

1. Exempt employees - Full-time teachers are considered to be exempt employees under the Fair Labor

Standards Act (FLSA) and are presumed to meet a 1,250 hour requirement. 825-110

2.  **Serious health condition**  - An illness, injury, impairment or physical or mental condition that involves:
  - a. Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility;
  - b. Any period of incapacity requiring absence of more than (3) three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
  - c. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than (3) three calendar days, and for prenatal care.
3.  **Health care provider**  - Definition:
  - a. Doctor of Medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or
  - b. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
  - c. Nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under state law; or
  - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

*Adopted by the Board of Education on 3-10-94. Revised 4-11-96, Revised 4-13-09*

<b>SICK LEAVE, CERTIFIED PERSONNEL</b>
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<b>4355</b>
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The Board of Education shall provide sick leave benefits to all professional, certified personnel in order to promote a sense of security and permit an ease of mind that is essential to the satisfactory performance of professional services. The Board sets forth the following provisions for administering this policy:

- A. The Superintendent or his/her designee shall administer the plan.
- B. Ten (10) DAYS of sick leave shall be allowed annually with pay to the regularly employed teachers. The maximum balance of days cumulative at the end of a fiscal year for sick leave shall not exceed 120 days. Teachers who have 120 sick leave days from the previous year will start the year with 135.
- C. Sick leave shall be interpreted as those absences caused by personal illness of the teacher, illness or death in the teacher's immediate family: husband, wife, daughter, son, father, mother, brother, sister, grandparents or grandchildren of employee and spouse, spouse's parents, uncle and aunt of employee and spouse.
- D. Teachers shall be entitled to use accrued sick leave for maternity reasons.

*Approved by the Board of Education on 2-13-92. Revised 2-14-11, Revised 2-20-18*

<b>PERSONAL BUSINESS LEAVE</b>
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<b>4357</b>
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Each teacher shall be granted three (3) days personal business leave during each school year without deduction. Persons wishing to take personal business leave should notify their supervisor in writing three (3) days prior to taking personal business leave. Upon notice to the immediate supervisor of intent, the leave shall be granted without reason or explanation required, provided, personal business leave may not be taken on professional development days, parent-teacher conference days, or on consecutive days without prior approval and disclosure of the reason or explanation for the requested taking of leave. The personal business leave shall not be cumulative from one school year to the next. Determination of personal business leave under this provision shall be left to the discretion of the employee; provided, personal business leave may not be taken to earn compensation from another source during the teacher work day as defined in EMPLOYMENT PROVISIONS - C-3.

*Approved by the Board of Education on 2-13-92. Revised 12-9-93, Revised 2-14-11*

<b>EMERGENCY LEAVE</b>
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<b>4359</b>
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Each teacher shall be granted not more than three (3) days per year emergency leave. Emergency leave is defined as leave for use when unforeseen circumstances occur that are not covered under any other leave. An employee shall notify his/her supervisor the day emergency leave is being taken and submit a completed leave form upon

returning to work. Emergency leave is granted upon the approval of the Superintendent or his/her designee. Personal leave must be used before emergency leave is granted. Salary deductions for use of emergency leave shall be at the rate of pay for certified substitute teachers whether or not a certified substitute teacher is hired. Emergency leave shall not be cumulative from one year to the next.

*Approved by the Board of Education on 2-13-92. Revised 12-9-93, Revised 4-11-96, Revised 2-14-11*

#### **MILITARY LEAVE**

**4361**

All employees who are members, either officers or enlisted, of the National Guard or any branch of the United States Military its reserve components shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from employment without loss of status or seniority and without loss of pay during the first thirty (30) days of such leave of absence in any federal fiscal year.

*Adopted by the Board of Education of 2-13-92. Revised 10-08-12*

#### **PROFESSIONAL/EDUCATIONAL LEAVE**

**4363**

A. The Board will provide professional leave:

1. **Type I:** Educational Leave - Leave that involves participation in workshops or training that would benefit the Bargaining Unit members in their teaching assignments. These education leave days shall be without loss of pay and shall be equitable divided among sites with a minimum number of days equal to one-fourth of the members of each site.
2. **Type II:** Associational Leave - Leave that can be taken by recommendation of the T.E.A. Executive Committee to accomplish professional duties that cannot be achieved at any other time without loss of pay. A cumulative total of twenty-one (21) days will be allowed for such leave.

*Approved by the Board of Education on 2-13-92*

#### **JURY DUTY LEAVE**

**4365**

The Board of Education shall grant leave to teachers who have been selected for jury duty or who have been subpoenaed as a witness in a criminal, civil, or juvenile proceeding. When a substitute teacher is used, the regular teacher will reimburse the Board of Education the amount received by the individual for jury duty. The Board of Education will pay the substitute teacher the prevailing substitute pay rate. If a substitute is not required (e.g. Counselor, Librarian) the teacher shall pay any amount received for such duty, exclusive of any expense payments, to the Board of Education. When classified staff members, supervisors or administrators must be absent for jury duty, there will be no deduction from pay. They shall pay any amount received for such duty, exclusive of any expense payments, to the Board of Education.

*Approved by the Board of Education on 10-12-89 (Revised)*

#### **SABBATICAL LEAVE**

**4369**

After three years of continuous service in the District, a teacher may take one year's, non-paid, leave of absence. The teacher granted such leave shall be guaranteed a position upon return. The district will notify the employee by certified mail on or before March 1 that notification of their intent to return to their duties must be received by the Board by April 1.

*Adopted by the Board of Education on 2-13-92. Revised 7-28-99*

#### **NON-PAID LEAVE OF ABSENCE**

**4371**

A. An employee who has worked for the school system for three (3) consecutive years may be granted a leave of absence without pay for one year. Leaves of absence may

1. Parental leave: Parental leave may be granted to permanent full-time teachers who desire a leave of absence for child rearing and/or adoption.
2. Personal illness or caring for a sick member of the immediate family: Request for leave of absence for personal illness or caring for a sick member of the immediate family must be accompanied by a physician's statement.
3. Further study at an accredited school or an institution approved for accreditation by the State Department

of Education.

Teachers returning from leaves of absence shall return with any tenure and seniority that had been accrued prior to the commencement of the leave of absence. All time during a leave of absence shall not count toward tenure or seniority.

Upon expiration of a leave of absence, the teacher will be returned to a position in his/her field of certification.

4. **Sabbatical Leave:** After three (3) years of continuous service in the district, a teacher may take one year's non-paid leave of absence. The teacher granted such leave of absence shall be guaranteed a position upon return. The district will notify the employee by certified mail on or before March 1 that notification of their intent to return to their duties must be received by the Board by April 1.

*Adopted by the Board of Education on 2-13-92. Revised 7-13-06*

## **PLEASURE EXCURSIONS, EDUCATIONAL TOURS**

**4373**

Personnel wishing to make excursions or educational tours during the regular school term will be assessed at a rate of 1/178 of their annual salary per day. Personnel will be replaced by a substitute teacher who will be paid by the Board of Education at the rate for which they qualify under the current salary schedule. The excursion or tour shall not exceed five (5) working days per school year. Persons wishing to take pleasure excursions and educational tours should notify their supervisor in writing three (3) days prior to taking leave. The leave shall not be cumulative from one school year to the next. This leave shall not be taken within three days before or after a professional day, holiday, or three days prior to the end of a grading period. Such leave cannot be taken on a professional day.

*Adopted by the Board of Education on 2-13-92. Revised 7-13-06, Revised 9-13-18*

## **SICK LEAVE, SUPPORT PERSONNEL**

**4375**

It is the policy of the Board of Education to provide sick leave benefits to all support employees in order to promote a sense of security and permit the ease of mind essential to the satisfactory performance of services. In compliance with Oklahoma Statutes, Title 70, Section 6-104, the following guidelines are set forth.

### **A. Sick Leave**

Each support employee shall earn 1-1/4 day's sick leave for each month of employment. At this rate 12-month employees will have 15 days total sick leave days per year. Ten-month employees will have 12-1/2 total sick leave days per year. Part time employees will receive proportionate sick leave based upon the number of hours worked. Unused sick leave days may accumulate to one hundred twenty (120) days maximum at fiscal year's end.

A Supervisor may request documentation or explanation for sick leave following an established pattern or history of absences.

*Adopted by the Board of Education on 8-15-91. Revised 7-13-06, Revised 5-9-11*

## **SUPPORT STAFF LEAVES AND ABSENCES**

**4377**

### **A. Personal Business**

Each employee shall be granted three (3) days personal business leave during each school year. Persons wishing to take personal business leave shall submit a request for consideration in writing to their supervisor three (3) days prior to taking personal leave. Upon notice to the immediate supervisor of intent, the leave shall be granted without reason or explanation required; provided, personal business leave may not be taken on professional development days, parent-teacher conference days, or on consecutive days without prior approval and disclosure of the reason or explanation for the requested taking of leave. The personal leave shall not be cumulative from one school year to the next. Personal business leave is defined as an event or business which could not be performed on any day except a school day. Some examples of personal business leave are traffic court appearances, estate settlements, loan closings, and legal proceedings.

On inclement weather days, a 12-month employee will be allowed to take personal leave or vacation leave. Late arrival and early departure will be allowed on contact of supervisor.

The district and Association will jointly monitor and study usage of personal business leave during the 2010-2011 school year for review during negotiations for 2011-12.

#### B. Emergency Leave

Support employees shall receive three (3) days each year for emergencies not covered by any other category of leave.

Emergency leave is defined as leave needed for unforeseen circumstances occur that are not covered under other leave. An employee shall notify his/her supervisor the day emergency leave is being taken and submit a completed leave form upon returning to work. Emergency leave is granted upon the approval of the Superintendent or his/her designee. Personal leave must be used before emergency leave is granted. Salary deductions for use of emergency leave shall be at the rate of pay for substitutes whether or not a substitute is hired.

Emergency days are not cumulative.

In the case of bereavement, emergency leave may be used if available upon request. Bereavement is defined as death in the employee's immediate family: husband, wife, daughter, son, father, mother, brother, sister, grandparents or grandchildren of the employee and spouse, spouse's parents, uncle and aunt of employee and spouse.

#### C. Holidays

1. The Board will recognize the following paid holidays for all full and part-time support employees:

Independence Day	1
Labor Day	1
Thanksgiving	2
Christmas	2
New Year's Day	1
Spring Holiday	1

The date of the Spring Holiday will be determined by the Board of Education with consideration given to the recommendation of the district calendar committee.

Memorial Day	1
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Add 1 paid holiday (Wednesday before Thanksgiving) for all 12-month employees. (= 3 days for Thanksgiving)

Any employee required to work on a paid holiday will receive one and one-half (1-1/2) compensation.

These days will be recognized for any employee whose contract is in effect during those days. For example, Independence Day will be a paid holiday for those employees on a twelve-month contract.

#### D. Vacation

All twelve-month employees shall receive two (2) weeks paid vacation after (1) year of employment. Vacation requests must be approved by the supervisor. Upon termination of employment, employees will be paid for any unused vacation at daily rate of pay.

*Approved by the Board of Education on 8-15-91. Revised 12-9-93, Revised 4-11-96, Revised 5-9-11, Revised 11-12-12*

### **SICK LEAVE BANK – TEA CERTIFIED**

**4379**

A. The Board shall administer a sick leave sharing program for all district teachers. The program shall permit district teachers to donate sick leave to a fellow district teacher who is pregnant or recovering from childbirth

or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment.

**B.** As used in this section:

1. A relative of the employee means a spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;
2. Household members mean those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;
3. Severe or extraordinary means serious, extreme or life-threatening including temporary disability resulting from pregnancy, miscarriage, childbirth and recovery there from; and
4. A district teacher means a teacher of the school district.

**C.** A district teacher may be eligible to receive shared leave pursuant to the following conditions:

1. The Board of Education determines that the teacher meets the criteria described in this section; and
2. The teacher has abided by district policies regarding the use of sick leave.

**D.** A district teacher may donate annual leave to another district teacher only pursuant to the following conditions:

1. The receiving teacher has exhausted, or will exhaust, only sick leave earned pursuant to Section 6-104 due to pregnancy, miscarriage, childbirth and recovery there from, an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the teacher, a relative of the teacher or household member;
2. The condition has caused, or is likely to cause, the teacher to go on leave without pay or to terminate employment;
3. Donations for sick leave pursuant to a request for donated sick leave shall be made within thirty (30) calendar days of the date of the notice of request.
4. The amount of leave to be donated by an individual district teacher to a fellow district teacher shall not exceed two (2) days.
5. District teachers may not donate excess sick leave that the donor would not be able to otherwise take.

**E.** Maximum total for any bank will be one hundred twenty (120) days.

1. Any requests by a teacher for the establishment of more than one sick leave sharing bank during one school year shall be subject to review and approval by the Superintendent or Designee.
2. Requests by a teacher for the establishment of a sick leave bank(s) in a subsequent consecutive school year shall be subject to review and approval by the Superintendent or Designee.

**F.** Justification of the teacher's absence shall be required in compliance with the administration's policy. The district teacher shall be required to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition. Additional medical documentation will be required every six weeks (thirty working days) to determine continued eligibility.

**G.** The receiving district teacher shall be paid the regular rate of pay of the teacher. The sick leave received will be designated as shared sick leave and be maintained separately from all other sick leave balances.

**H.** Any donated sick leave may only be used by the recipient for the purposes specified in this section.

**I.** Only sick leave earned pursuant to 70 O.S. Section 6-104 available for use by the recipient must be used prior to using shared sick leave.

**J.** Any shared sick leave not used by the recipient during each occurrence as determined by the Board shall be returned to the donor. The shared sick leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the annual leave balance of each donor.

**K.** All donated sick leave must be given voluntarily. No district teacher shall be individually solicited, coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

**L.** Upon notification of an individual's request for additional sick leave, the principal receiving the request shall

recommend application of the program and will notify the Clerk of the Board.

- M. Sick leave days will not be deducted from donating certified employee until used by the individual requesting said leave. Days will be deducted from donating teachers in the order in which they were volunteered.
- N. If a sick leave sharing program is established for other district employees, teachers shall be permitted to donate sick leave to those employees.

*Adopted by the Board of Education on 2-13-92. Revised 4-11-96, Revised 11-8-04, Revised 7-13-06*

<b>SICK LEAVE SHARING, SUPPORT PERSONNEL-TESPA</b>
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<b>4381</b>
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**A. SICK LEAVE SHARING**

After exhausting all sick leave, Emergency/Personal Business, and Vacation days, the support employee may request participation in the Sick Leave Sharing. The sick leave sharing shall permit district employees to donate sick leave to a fellow district employee who is pregnant or recovering from childbirth or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment. A Support Employee can only use the "Sick Leave Sharing" after one (1) full year of service to the school district. The maximum number of days any employee can draw from the sharing is one hundred twenty (120) days annually. The maximum number of days an employee may donate is two (2) days per sharing.

- A. The Support Employee who is requesting a bank be established must:
  - 1. Send a written request to the Superintendent explaining the reasons that an account needs to be established.
  - 2. Complete a request form for donated sick leave.
  - 3. Provide medical documentation.
- B. The Superintendent will:
  - 1. Sign and approve or disapprove all requests.
  - 2. Consider each request separately.
  - 3. Consider all catastrophic illness/accident requests.
  - 4. Upon approval of the request will notify the Clerk of the Board, who will then establish a sick leave sharing and notify each support area that a bank has been established.
- C. Donations for sick leave sharing, pursuant to the request for donated sick leave, shall be made within thirty (30) calendar days of the date of the notice of request.
- D. Any requests by an employee for the establishment of more than one sick leave sharing account during a contract year shall be subject to review and approval by the Superintendent or designee.
- E. Request by an employee for the establishment of a sick leave sharing account(s) in a subsequent contract year shall be subject to review and approval by the Superintendent or designee.

*Adopted by the Board of Education on 8-15-91. Revised 4-11-96, Revised 6-25-97, Revised 8-14-00, Revised 11-8-04, Revised 5-9-11*

<b>RETIREMENT PROGRAM</b>
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<b>4383</b>
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Tahlequah Public Schools participates in the Teacher Retirement System of Oklahoma (TRS). The district pays contributions to Teacher Retirement System of 7% on the first \$30,000.00 of total compensation for all certified employees and 7%, up to a maximum of \$2100.00, for all "full-time" non-certified employees (those working six hours or more per day and employed with Tahlequah Public Schools five years or more). Teachers with eighteen (18) or more years of service shall receive retirement benefits of 7% of total compensation paid to the Teacher Retirement System.

Other employees meeting the requirements of TRS for membership eligibility may make their own contributions. Contributions may only be remitted on actual wages and fringe benefits. No individual may contribute on unearned or non-existent compensation. Those not eligible for membership include employees working less than twenty (20) hours per week, substitute teachers, seasonal and irregular employees, and others so designated as ineligible by TRS.

No more than 90 days or less than 30 days prior to retirement from this district, all eligible employees are encouraged to contact TRS to complete the Final Contract for Retirement.

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 7-15-04, Revised 2-14-11*

## **STAFF POLITICAL PARTICIPATION**

**4400**

Employees of this district are encouraged to be actively involved in the political process of government. Good citizens are well-informed and make their wishes known by campaigning and voting in elections.

While all employees are expected to have opinions concerning candidates, issues, and questions, at no time will this Board of Education condone the use of the classroom or any other gathering of students under the supervision of a staff person as the appropriate time or place to present that person's politically biased and partial position. Signs, flyers, pamphlets, buttons, and ribbons which present only one side of an issue and are not combined with other information on the other side are not acceptable.

*Adopted by the Board of Education on 2-13-92.*

## **STAFF INVOLVEMENT IN DECISION MAKING**

**4403**

The success of the management of the district depends on the willingness of all employees to be involved in understanding the function and operation of the various aspects of the system.

The Board of Education by law is given the sole responsibility for all fiscal, contractual, and policy decisions of the district. They empower a Superintendent to make day-to-day operational decisions and to be responsible to the Board for carrying out the district's policies. He or she, in turn, selects individuals to function within specific areas of job responsibility.

This Board of Education subscribes to the general concept of decentralized district management which places in the hands of the building principal the responsibility for the financial, staffing, and staff development decisions within his/her building. All principals are expected to solicit the voluntary participation of their staff in providing input into those decisions.

*Adopted by the Board of Education on 2-13-92*

## **EMPLOYEE GRIEVANCES**

**4405**

Definition of Grievance: A "grievance" shall mean a claim by an employee that a dispute or disagreement exists involving interpretation or application of established rights to fair treatment or of an existing Board rule, policy or practice, or that the employee has been treated inequitably, or that there exists a condition which jeopardizes employee health or safety.

Nothing shall be construed as limiting the right of any teacher having a complaint to discuss the matter via administrative channels and to have the problem adjusted without the intervention of the Association.

*Adopted by the Board of Education on 2-13-92.*

## **EMPLOYEE GRIEVANCES - PROCEDURE**

**4407**

### **A. Definitions**

1. **GRIEVANCE**: A claim by a member of the bargaining unit, a class of members of the bargaining unit, or the Association that there exists a dispute or disagreement regarding the application or interpretation of any term or condition of employment.
2. **COMBINED GRIEVANCE**: When two or more grievances address similar or the same issues, they will be filed as one.
3. **ASSOCIATION**: The Tahlequah Education Association
4. **BOARD**: The Tahlequah Public Schools Board of Education
5. **DAYS**: Shall mean work days except when school is not in session and then "days" shall mean week

days excluding Saturday and Sunday or recognized holidays.

6. **COMPUTATION OF TIME:** The computation of any time period prescribed herein shall begin with the filing of the grievance at the appropriate level. The last day of the time period shall be included unless it is a Saturday, Sunday or holiday.
7. **TIME LIMITS:** The number of days indicated at each level shall constitute the maximum. However, the time limits may be extended by mutual agreement.

**B. Purpose of the procedure:**

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise in the work environment.

**C. Procedure:**

1. **STEP 1:** The parties acknowledge that it is most desirable for an employee and his/her immediate supervisor to resolve problems informally. The grievant(s) or the association shall present the complaint to the immediate supervisor within thirty (30) days following the act, condition or first knowledge of the basis for the complaint.
2. **STEP 2:** If the grievant(s) or Association is dissatisfied with the resolution at the informal level, the parties may submit the grievance in writing to the supervisor. The supervisor shall within ten (10) days provide the aggrieved party a written answer along with rationale if denied.
3. **STEP 3:** If the grievant(s) or Association is not satisfied with the disposition of the grievance at STEP 2, or if no written decision is made as described in STEP 2, then the grievant(s) or Association may appeal the grievance, to the superintendent level. Within ten (10) days of receiving the grievance, the Superintendent or Assistant Superintendent shall call a hearing to allow the party/parties to state the grievance and give testimony, documentation, and rationale for requesting the relief sought. The Superintendent or Assistant Superintendent shall issue his/her written decision along with rationale if denied, within ten (10) days of the grievance hearing at STEP 3.
4. **STEP 4:** If the grievant(s) or Association is not satisfied with the disposition of the grievance at STEP 3, or if no disposition has been rendered at STEP 3, the grievant(s) or Association may refer the grievance to the Board. At the next regular Board Meeting or a special Board Meeting called for that purpose, the party/parties shall be given the opportunity to state the grievance and give testimony, documentation, and rationale for requesting the relief sought. The Board shall issue its written decision, along with the rationale if denied, within ten (10) days of the grievance hearing at STEP 4.

**D. Rights to Representation**

1. At least one Association representative may be present at the option of the grievant for any meetings, hearings, appeals, or other proceeding relating to employee complaints of grievances that have been formally filed.
2. The Association reserves the right to file Association grievances without identification of any individual(s) and fully access this procedure through all levels.
3. Grievant may submit grievances at the level where the authority lies to grant the relief sought by the grievant as determined jointly by the Superintendent and the Association.

**E. Individual rights:**

Nothing contained herein shall be construed as limiting the right of any certified employee having a complaint to discuss the matter via administrative channels and to have the problem adjusted without the intervention of the Association. The disposition must not be inconsistent with the bargaining agreement between the Board and Association nor shall such disposition have an adverse impact on the bargaining unit.

1. A grievant may be represented at all stages of the grievance procedure by himself/herself, or at his/her option, by an Association representative(s) selected by the Association.
2. No reprisals of any kind shall be taken against any member of the bargaining unit by the Board or administration for exercising his/her rights under this grievance procedure.
3. **GRIEVANCE FORMS:** Grievance forms shall be consistent with the sample attached and shall specify the date and time of filing of the grievance as well as the step at which the grievance is being filed. The statement of grievance and relief sought shall be stated as well as space for response by the supervisor to state whether the grievance is denied. Additional pages may be attached for statements of fact and rationale by the parties.

**TEACHER STRIKES OR TEACHER ACTION DAYS BY SCHOOL EMPLOYEES**

**4409**

It is illegal for an organization to strike or threaten to strike as a means of resolving differences with the Board of Education. Any member of an organization engaging in a strike shall be denied the full amount of his/her wages during the period of such violation. If the organization or its members engage in a strike, then the organization shall cease to be recognized as representative of the unit and the school district shall be relieved of the duty to negotiate with such organization or its representative.

*Adopted by the Board of Education on 2-13-92.*

**SAFETY AND HEALTH POLICY**

**4427**

**A. STAFF**

1. Tahlequah Public Schools considers no phase of its operation more important than safety and health protection. This school district will provide and maintain safe and healthful working conditions for all employees by establishing and insisting upon safe working methods and practices at all times.
2. Safety and health protection shall be an integral part of all district operations. Both administration and employees will participate in the planning, developing, and implementing safety and health protection. All employees will work consistently to maintain safe and healthful working conditions, to adhere to proper operating practices and procedures designed to prevent injury and illness, and to comply with federal, state, local, consensus standards and district safety and health regulations.
3. In compliance with state law, the Board will also designate a Safety Coordinator for the district. The Safety Coordinator is given the responsibility to meet with a committee made up of the principal of each of the school sites and the safety committee chairman for each school site in order to review the suggestions made. The Safety Coordinator will then be responsible for reporting the finds and making recommendations to the Superintendent and the Board of Education.
4. By accepting mutual responsibility to operate safely, all employees will contribute to the well-being of one another and this school district.
5. NOTIFICATION TO EMPLOYEES – When the administration becomes aware of a threat against an employee, the administration will promptly notify the affected employee of the threat, the nature and means of the threat, and the maker(s) of the threat, if known.

**B. STUDENTS:**

1. Safety of its students is a primary concern of the Board of Education. The Board is aware of the growing concerns about safety that exist throughout the education system and the school community as a whole. Therefore, in compliance with state law, the Board of Education herein authorizes each school site to establish a Drug-Free and Safe School Advisory Council.
2. The site councils will be composed of at least four parents and staff, along with a minimum of eight students. The district's Drug-Free and Safe School's Coordinator will meet with the council to study and make recommendations to the school principals regarding unsafe conditions, strategies for avoiding harm, victimization, crime prevention, school violence, and other issues which prohibit maintenance of a safe school.

*Adopted by the Board of Education on 11-14-96. Revised 7-31-08*

**SAFETY AND HEALTH POLICY (Implementation Objectives)**

**4429**

- A. Establish clear, measurable goals and objectives that will lead to the desired results of the safety and health program.
- B. Describe how administration will actively and visibly participate in safety and health issues and set a good example.
- C. Seek and encourage active participation of all employees in the overall safety and health program.
- D. Clearly state the assignments of responsibility and authority for safety and health; establish a framework for accountability.
- E. Identify internal and external resources (human, financial, outside resources) and establish procedure which justifies safety and health expenditures.

- F. Develop and implement procedures to identify existing and potential workplace hazards.
- G. Establish methods and guidelines for employees to report hazardous conditions.
- H. Establish policy and procedures for investigating and analyzing accidents, incidents, and personal injuries/illness.
- I. Prevent hazards and accidents through the use of appropriate control measures and preventive maintenance.
- J. Establish and implement a training program to ensure employee readiness to respond to workplace emergencies.
- K. Design a plan for developing medical programs (on-site first-aid and nearby health care facilities), policies, and procedures.
- L. Train principals, directors, supervisors, and employees for specific roles and responsibilities in the overall safety and health program.
- M. Plan and conduct annual reviews of the safety and health program to ensure its effectiveness.

**Source:** Occupational Safety and Health Program: Oklahoma Department of Labor and Oklahoma Department of Vocational and Technical Education - 1994.

*Adopted by the Board of Education on 11-14-96.*

<b>DRESS AND PERSONAL GROOMING - STAFF</b>	<b>4450</b>
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All staff are expected to dress in a manner which is appropriate for their duties and responsibilities.

*Adopted by the Board of Education on 2-13-92.*

<b>PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS</b>	<b>4475</b>
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**A. Assignment**

1. The Superintendent of Schools shall reassign any certified teacher where he or she is the most qualified and will render the most valuable service.

**Transfer**

1. A teacher is free to ask for a change of assignment or transfer, and such a request, accompanied by a statement of the reasons for the request, should always be submitted in writing to the Superintendent. Transfers must be acceptable to the receiving principal.
2. When a reduction in the number of teachers in a building is necessary, qualified volunteers shall first be considered for reassignment; then, reassignment shall be made on the basis of school district needs. Teachers with most tenure shall receive greater consideration in choice of assignment.

*Adopted by the Board of Education on 2-13-92. Revised 6-25-97, Revised 2-14-11*

<b>DUTIES - CERTIFIED PERSONNEL</b>	<b>4525</b>
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Duties of all certified personnel are outlined in the job description manual which has been adopted as policy by this Board. The manual is a companion to the personnel section of Board policy.

*Adopted by the Board of Education on 2-13-92.*

<b>DUTIES - SUPPORT PERSONNEL</b>	<b>4527</b>
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Duties of all support personnel are outlined in the job descriptions manual which has been adopted as policy by this Board. The manual is a companion to the personnel section of Board Policy.

*Adopted by the Board of Education on 2-13-92*

<b>BUS DRIVER DUTIES AND RESPONSIBILITIES - INTRODUCTION</b>	<b>4529</b>
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**A. Introduction**

1. The school bus driver is a unique individual. He or she is the first school figure to make contact with a child before reaching school and the last before reaching home. The bus driver must be able to relate to children, understand their needs, their behavior, and teach them daily lessons in safety and good conduct.
2. Maintaining control of the bus situation can mean that the driver helps students to begin a productive

school day and end it with a pleasant ride home.

3. This book will be useful as a guide for discipline, school relations, accidents, and other responsibilities. The book has been adopted by the School Board, September 12, 1991.

## **B. PERSONAL HABITS**

1. Keep physically fit.
2. Keep good personal hygiene.
3. Dress in conservative clothing. Drivers will refrain from wearing any clothing or hats that contain "lettering or wording" that is suggestive, crude, or alcoholic beverage advertisements.
4. Do not use tobacco on the bus at anytime. This includes while waiting between routes.
5. Be punctual and maintain a good attendance.
6. Refrain from using undesirable language in presence of pupils and/or adults.
7. Drivers will not discuss other driver's habits at anytime. All concerns will be addressed to the director of transportation.
8. Do not eat or drink on the bus at any time.

## **C. GENERAL RESPONSIBILITIES FOR DRIVERS**

1. Foster a friendly atmosphere on the bus at all times. Remember, you are the first and last contact of the day as a school official seen by the student. Smile and say "hello."
2. Be fair to every student - treat all alike.
3. Carry out all policies set by the local board of education and school administration.
4. Cooperate at all times with co-workers.
5. Attend any in-service training that might be required by the State Board of Education, Commissioner of Safety, or local Board of Education, as a part of your obligation to be current and safe as a bus driver.
6. Missing more than two meetings will be grounds for a "write-up".
7. Keep an orderly bus; keep it clean inside and out.
8. Show a good spirit of cooperation by helping others when a bus is late or broken down.
9. Drive safely and efficiently in transporting students to and from school.
10. Respect and take care of the bus for it is a very expensive piece of equipment.

## **D. DAILY RESPONSIBILITIES OF DRIVERS**

1. Fill out daily check sheet. Report any mechanical malfunction (be specific on this sheet). The daily inspection sheet covers all items necessary to complete the pre-trip inspection. Fill out after each morning route.
  - a. These check sheets will be randomly certified.
  - b. Falsifying a check sheet is grounds for a "write-up"
2. Before running route, make the pre-trip inspection of the bus (both A.M. and P.M.).
  - a. Interior of bus.
  - b. Physical damage to exterior,
  - c. Check all lights,
  - d. Emergency door,
  - e. Tires and exhaust system, and
  - f. LAST, check your brakes WHILE MOVING as you leave the lot.
3. Check all seats for vandalism BEFORE, BETWEEN AND AFTER routes, and after a substitute drives your route. Report in writing to the Director of Transportation.
4. Have safety equipment (extinguisher, flares, first-aid) on the bus. Check each of these once a week.
5. After P.M. route, park in designated area, close all windows, close the loading door, and turn in the keys.

## **E. TAHLEQUAH PUBLIC SCHOOLS DRIVER REGULATIONS**

1. Drivers shall have the authority to keep order at all times on the bus and to write up students who do not follow the rules.
  - a. Do not change the transportation director's decision.
  - b. Do not discuss the discipline chosen with the student involved or his/her parents.
2. Parking space is provided for employees' personal automobiles. Do not park anywhere but your assigned area; do not park in the bus lot during the day.
3. The bus is to leave the bus lot on time every day. Never leave the first stop before the scheduled time. If

- someone does not ride, causing you to arrive at the next stop early, visit with your riders, stay on schedule.
4. School buses should come to a complete stop before students are allowed out of their seat to be unloaded.
  5. Permit no loading or unloading through the emergency door. This door should be used only for emergencies.
  6. Flashing amber lights are to be used only to warn motorists that pupils are about to be picked up or discharged, and that the bus is stopping at a railroad crossing, when loaded or empty. These lights are not to be used for any other purposes.
  7. Bring the bus to a full stop before opening the door to pick up or discharge students.
  8. Unless students have special written permission from the principal, do not permit any pupil to leave the bus at any place other than their designated stop.
  9. Make sure that all pupils are seated before leaving a stop or starting up the bus.
  10. If a bus has to make a turn-around on route and pupils are loaded or unloaded at the turn-around, pupils should be on the bus during the turn-around.
  11. It is the duty of the driver to operate the bus. Never permit a pupil to operate any part of the bus. (This includes the door.)
  12. It is the driver's responsibility to make sure the route is current and any necessary changes are made. However, do not make any changes in your route unless the information or the approval to make the changes comes from the Director of Transportation.
  13. A school bus should not be backed unless it is absolutely necessary. Do not back a bus on school grounds. This includes school parking lots. Backing a bus is permitted only when a competent observer is stationed at the rear of the bus to observe and assist in directing the driver and the back-up has been approved by the transportation office.
  14. Remain in the bus at the school during loading or unloading procedures. Never leave the bus unattended.
  15. Use proper driving signals well in advance when stopping, slowing down, or making turns.
  16. The law regarding stopping of school buses at railroad crossings is as follows: Tahlequah administrative policy states that all buses shall stop at all railroad crossings whether loaded or empty. Do not use the red flashing lights for this purpose. Turn the amber lights on, come to a full stop, listen and look both directions. Proceed only when it is safe beyond any possible doubt. When lights are flashing at railroad crossings and there is no train approaching, the driver may proceed only if a flagman or police officer waves him/her through.
  17. All drivers must have a watch or some kind of time piece.
  18. Drivers do not stop at stores or service stations and let pupils off to get drinks, candy or treats of any kind. (This includes drivers stopping at stores or service stations for themselves.) Don't make any stops on main streets except at stop signs.
  19. The driver of every vehicle used by the Tahlequah Public School District for the transportation of school children shall make use of seat belts while in operation of the vehicle. Failure to do so shall constitute a misdemeanor, and shall be punishable by a State fine. Tahlequah district is not responsible for any fines issued to the driver.
  20. When in district cars and buses equipped with seat belts, all drivers and their passengers must be buckled in.
  21. Bus drivers cannot put a legal passenger off the bus at any time for any reason. The Transportation Director and/or a building principal may exercise that privilege. An uncontrollable student may be delivered to a principal at a building.
  22. When a breakdown occurs on the route, the driver is to use 2-way radio to notify dispatcher or to send two responsible youngsters to the nearest telephone to call the bus lot to report the breakdown. At such a time when the bus is down, the students are to remain on the bus until other school transportation comes, or until parents pick up their children. Under no circumstances are children to walk home. Only allow students off the bus if an emergency exists.
  23. Do not pass another bus in a loading or unloading zone. A good rule to follow is never pass another bus.
  24. Any complaints or proposed changes in a route should be presented to the administrator of transportation for consideration. Route changes require administrative approval.
  25. No parties or paper wad fights will be permitted at anytime on the bus.

26. A driver may be required to surrender a written doctor's excuse after missing work due to an illness.
27. Drivers are not to make or receive personal telephone calls at the transportation facility unless it is an emergency or prior approval is given. This telephone is for business purposes.
28. Do not congregate at bus lot. Be cleaning or checking the bus when present. All persons at the lot are expected to be working.
29. Upon request, drivers will present their current driver's license for identification to supervisor or supervisor's representative. Any driver failing to report a suspended license will be recommended for immediate suspension.
30. Drivers who take buses home must call the transportation lot by 5:30 am each morning to report on the condition of the bus.
31. Drivers who take buses home and realize that they will not be driving the bus for one or more days (due to illness or leave) should bring the bus to the lot.
32. Follow the chain of command. Report problems regarding transportation to the director of transportation, not other drivers, parents, teachers, etc. Only after doing this should a complaint be sent to the next level, the Superintendent.

Route lengths and driver assignments will be reviewed at least annually. The Director of Transportation will make recommendations to the Superintendent on shortening or lengthening all routes. The time and pay associated with each route will be adjusted accordingly. Driver assignments will be determined by the director.

#### **F. TIPS ON MAINTAINING DISCIPLINE**

1. Attributes for good school bus order:
  - a. A proper driver attitude toward the job and toward the children
  - b. A proper control of temper
  - c. An understanding of the significance of the job
  - d. A clean and tidy appearance when on the job
2. Never give an order you do not mean to enforce.
3. The response of the child will be action. Give your command to stimulate action, not check it. Say, "Do This" rather than "Don't Do That." Suggest an action which can be successfully obeyed.
4. Have a reason for what you ask a child to do, and when possible, take time to give the reason. He can see the point if you can.
5. Be honest in what you say and do. A child's faith in you is a great help.
6. Be fair; it isn't punishment, but injustice that makes a child rebel against you.
7. Be friendly. Always show an interest in what students are doing.
8. Commend good qualities and action.
9. Remember that a sense of humor is extremely valuable.
10. Do not judge misconduct on how it annoys you.
11. Do not take your personal feelings and prejudices out on the children.
12. Maintain poise at all times. Do not lose your temper.
13. Remember - "The tongue is the only keen edged tool which grows sharper with constant use." Do not nag, bluff, or be overly demanding.
14. Do not "pick" on every little thing a child does. Sometimes it is wiser to overlook some things.
15. Look for good qualities -- all children have them.
16. Listen for suggestions and complaints from the children.
17. Take pride in your work.
18. Intelligence in handling youth consists of thinking faster than they do. If they can out think you, you are not using your maturity and the advantage of your greater education.
19. Follow-up all cases which have been disciplined. Be certain that you still have the respect and confidence of the child.
20. Do not tell a student what his punishment will be. This is set by the Transportation Director. Do not change it and do not discuss it with the student.
21. Be sincere in your work.
22. Set a good example.

23. What NOT to do when correcting an infraction of the rules:
- Never use physical punishment.
  - Never unload a rider and require them to walk home. The driver is legally responsible for the safety of the rider until he is delivered to school or his bus stop.
  - Never shout at pupils at any time.
  - Never hold a child up to public ridicule. It is the surest way of creating a discipline problem.
  - Never attempt to discipline a rider while a bus is in motion.
  - Never punish the entire bus load for the offense of one or two.
24. Misconduct is contagious and drivers must not tolerate it; the problem extends itself if left alone.
25. Use assertive discipline as trained.

## **G. SPEED LIMITS**

	<b>Recommended</b>
<b><u>Speed limits for TPS school buses: maximum speed</u></b>	
Interstates and turnpikes	65 MPH - Day or Night
All Other Roadways	50 MPH - Day or Night
City Road	As posted
Rural and County Roads	As posted but not to exceed 40 MPH
All School Sites & Transportation Center	15 MPH – Day or Night

**HEAD LIGHTS MUST BE ON AT ALL TIMES**

## **H. THE LOADING AND UNLOADING OF CHILDREN**

The amber warning loading lights will be employed in only two instances: (1) the amber lights shall be activated at a distance not greater than 300 feet but not less than 100 feet before stopping, and (2) when stopping to load and unload students and when stopping at railroad crossings when students are on the bus or not.

### **1. FIFTEEN STEPS**

- The following fifteen steps are involved in picking up and discharging students at regular bus stops. They are listed in order as they are performed.
  - Fan brakes or turn on amber warning lights
  - Right turn directional signal
  - Pull completely off road and stop
  - Set hand brake and shift to neutral gear
  - Cancel signal
  - Check traffic
  - Turn on flashing stoplights
  - Check traffic
  - Open door
  - Check traffic and direct children across road
  - Close door
  - Select gear and release brake
  - Check traffic
  - Left turn indicator
  - Check traffic and proceed on route

**VISIBILITY - SCHOOL BUS STOPS SHOULD BE VISIBLE TO APPROACHING MOTORISTS FROM AT LEAST 500 FEET IN EITHER DIRECTION.**

## **I. RESPONSIBILITIES OF DRIVERS ON ACTIVITY RUNS**

- Before leaving bus parking lot, check gas, lights, fire extinguisher, first aid kit, and flares.
- Inspect the bus for damages (interior and exterior) before leaving and upon return. List damages on check

sheet of paper and turn into transportation office next day.

3. Drivers have the same responsibility on trips as they do on routes.
4. When applicable, buses must stay together in a convoy when on activity trips.
5. All drivers are expected to come to the aid of other drivers, i.e., mechanical trouble on highways, etc.
6. When food or drink is purchased on an activity trip, all trash must be placed in the trash box at the front of the bus. Absolutely no glass.
7. Each bus must have a teacher or group sponsor on the bus.

## **J. EMERGENCY EVACUATION**

Emergency evacuation of school buses -- In the interest of safety, all buses should conduct an emergency evacuation drill through the front door when they unload at the school at least once each nine (9) weeks with each bus load of children in addition to one drill during the first two or three weeks of each semester. This is a total of 6 front door evacuation drills each year.

1. Front door evacuation of school buses:
  - a. The bus is stopped. Parking brake set, and engine turned off.
  - b. The driver will stand, open the door, face the children and get their attention. The driver will then give the command "**EMERGENCY DRILL, REMAIN SEATED, FRONT EVACUATION**".
  - c. Designate a helper to guide passengers to an assigned place of safety when off the bus at least 100 feet away from the bus, if possible.
  - d. Designate a second bus helper to stand outside of the bus by the front door to count and assist passengers as they evacuate.
  - e. Standing between the first occupied seats, the driver will then turn and face the front of the bus.
    - 1) Starting at the right-hand seat, the driver taps the shoulder of the person nearest the aisle to indicate that those occupants shall move out.
    - 2) The driver will hold his hand before the occupants of the left-hand seat in a restraining feature.
  - f. When the pupils of the dismissed right-hand seat have moved forward enough to clear the aisle, the driver dismisses the occupants of the left-hand seat.
  - g. The evacuation continues as described, right-hand and left-hand seats alternately, until the bus is empty.
  - h. When the last seat is empty, the driver walks to the front of the bus, checking to see that all are out.
    - 1) This check must be made from the extreme rear of the bus forward.
    - 2) Be certain to check between and under seats.
  - i. As the driver leaves the bus, he/she removes the fire extinguisher, first aid kit, and markers, and takes them with him/her or assigns this duty to a reliable student.
  - j. The driver shall conduct a count of the pupils to assure that all are accounted for.
2. Rear emergency door evacuation - used when front door is not accessible. Practice once during first two or three weeks of school.
  - a. Appoint two responsible pupils on each load who are among the first to board the bus to sit by the rear door, one on each side of the aisle.
  - b. The appointees in the left-hand seat shall have two responsibilities:
    - 1) To see that nobody touches the door latch.
    - 2) To open the door on command of the driver or, if the driver is unable to give such a command, to open it when he sees that a rear evacuation is necessary.
  - c. The bus driver gives command "**EMERGENCY DRILL - REMAIN SEATED, REAR EVACUATION**".
  - d. Both helpers, the one who opened the door, and the other from the right-hand seat, then jump to the ground and aid others in the evacuation.
  - e. The driver keeps the children under control and makes sure that the bus is empty as he follows the last pupil out of the rear door, removing the fire extinguisher, first aid kit, and markers and takes them with him/her or assigns this duty to a reliable student.
3. Both front and rear door emergency evacuation use the same instructions as given above in E.1 and E.2.

## **K. ACCIDENT AND ACCIDENT REPORTING**

Accidents are caused by human error eighty-five (85) to ninety (90) percent of the time. Poor roads and vehicle defects cause only ten (10) to fifteen (15) percent of the accidents.

Even a good driver is in danger of being involved in an accident because other drivers may not be careful. Drivers should practice defensive driving to protect themselves and their passengers from other drivers.

In many cases, the driver who was blameless so far as causing the accident often becomes seriously involved because he does not know what is required of a driver involved in an accident.

## **L. ACCIDENT REPORTING**

When an operator is involved in an accident, he/she should:

1. Secure the vehicle.
2. Immediately make a survey of the bus for any hazardous conditions - fire, etc.
3. Check all passengers to determine injuries; render first aid if required.
4. Select two (2) dependable passengers to call the director, giving location, possible injuries, and/or nature of the problem.
5. Do not leave the scene of an accident.
6. Do not move the bus unless requested to do so by the investigating officers.
7. Do not discuss the accident with anyone other than the investigating officers.
8. Make no statements as to any liability.
9. Make no statements as to any vehicle defects.
10. Exchange license information only.
11. Obtain names and addresses of witnesses or any injured persons.
12. If pupils are on board at the time of an accident, the driver should get a list of all students' names, addresses, telephone numbers, and the schools they attend.
13. The bus driver must be tested for drugs and alcohol use when an accident involves:
  - a. Loss of life
  - b. More than \$500.00 in property damage
  - c. Bus driver is issued a traffic citation.

## **M. BREAKDOWN INFORMATION**

1. If the bus becomes disabled while transporting students, follow the steps listed below to take care of the situation.
  - a. Put out flares or emergency markers.
  - b. Call in to ask for assistance.
  - c. Give following information:
    - 1) Route number and bus number
    - 2) Regular or activity route
    - 3) Are students still aboard
    - 4) Location of bus
    - 5) Description of mechanical problem
  - d. Send two older, responsible students to nearest telephone. Make sure they have all the information listed in step #1.c.
  - e. Give passing motorist all information listed in step #1.c.
  - f. Do not let children walk home under any circumstance unless approval has been given by transportation office.

## **N. ASSIGNMENT OF ROUTES**

Drivers are employed by the Tahlequah Public Schools. They are not employed for a specific route. The director may at any time make changes or re-assign a driver and/or route.

## **O. PAY AND PAY PERIODS**

The last working day of each month has been designated as the payday unless special notice is given. In the event of a change, prior notice will be given through the transportation office.

All bus drivers will be paid on an hourly basis consisting of steps depending on years of service.

*Adopted by the Board of Education on 9-12-91. Revised 9-8-94, Revised 4-11-96, Revised 7-13-06*

<b>POLICY FOR ALCOHOL AND DRUG TESTING FOR BUS DRIVERS AND MECHANICS 4531</b>
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**A. PURPOSE**

The purpose of this Policy is to prevent accidents and injuries resulting from alcohol or controlled substance use by drivers of commercial motor vehicles. This Policy is intended to comply with the School District's mandatory obligations under regulations issued by the United States Department of Transportation ("DOT").

**B. DEFINITION OF TERMS**

Certain terms used in this Policy have the following meaning unless the context plainly shows otherwise:

1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
2. "Alcohol concentration" means the number of grams of alcohol (for example: 0.04) in 210 liters of expired deep lung air.
3. "Alcohol confirmation test" means a subsequent test using an EBT (a breath testing device), following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.
4. "Alcohol screening device" ("ASD") means a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration and placed on a conforming products list for such devices.
5. "Alcohol use" means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
6. "BAT" means a qualified breath alcohol technician.
7. "Blind specimen" means a specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.
8. "Cancelled test" means a drug or alcohol test that has a problem identified and cannot be or has not been corrected. A cancelled test is neither a positive nor a negative test.
9. "CDL" means commercial driver's license.
10. "Collection site" means a place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.
11. "Confirmatory drug test" means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
12. "Confirmed drug test" means a confirmatory drug test result received by a MRO from a laboratory.
13. "Controlled substance" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), opiates, or a metabolite of any of these substances.
14. "Designated employer representative" ("DER") means an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.
15. "Dilute specimen" means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
16. "Driver" means: (i) a school district employee who is required to have a CDL to perform the employee's duties; (ii) employees of independent contractors who are required to have CDLs; (iii) owner-operators; (iv) leased drivers; and (v) occasional drivers.
17. "EBT" means an evidential breath testing device on the National Highway Traffic Safety Administration's Conforming Products List for Evidential Breath Measurement Devices for the evidential testing of breath at the .02 and .04 alcohol concentrations.

18. "Federal Act" means the Omnibus Transportation Testing Act of 1991 and the regulations issued by the United States Department of Transportation pursuant to that Act.
19. "Oklahoma Act" means the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.
20. "Initial drug test" means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
21. "Initial validity test" means the first test used to determine if a specimen is adulterated, diluted, or substituted.
22. "Invalid drug test" means the result for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
23. "Medical review officer" ("MRO") means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
24. "Safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.
25. "Screening Test Technician" ("STT") means a person who instructs and assists employees in the alcohol testing process and operates an ASD.
26. "Service agent" means any person or entity, other than an employee of the employer, who provides services specified under this part to employers and/or employees in connection with DOT drug and alcohol testing requirements.
27. "Split specimen" means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
28. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed a verified test.
29. "Substance Abuse Professional" ("SAP") means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
30. "Substituted specimen" means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
31. "Verified test" means a drug test result or validity testing result from a United States Department of Health and Human Services certified laboratory that has undergone review and final determination by the MRO.

## **C. REQUIRED TESTING & CONSENT**

The following testing is required of all drivers:

### **1. PRE-EMPLOYMENT TESTING AND CONSENT**

A driver must pass an alcohol and controlled substance test prior to performing a safety-sensitive function. The test will be conducted during the hiring process or immediately before the driver first performs a safety-sensitive function.

#### **a. Alcohol Testing.**

A driver may not commence the performance of duties unless the test shows a concentration of less than 0.04. If the test shows a concentration of between 0.02 and 0.04, no safety-sensitive duties may be performed for at least 24 hours.

A pre-employment alcohol test will not be required if:

- 1) The driver has undergone an alcohol test required by the Federal Act within the previous six weeks and tested under 0.04; and
- 2) The driver provides evidence that no prior employer of the driver has any record of alcohol misuse by the driver within the previous six months.

#### **b. Controlled Substances.**

The driver must receive a confirmed negative controlled substance test result from a medical officer,

except that no testing is required if:

- 1) The driver has participated within the previous 30 days in a drug testing program meeting the requirements of the Federal Act; and
- 2) While participating in the program, the driver either (a) was tested for controlled substances within six months prior to the date of employment application or (b) participated in a random controlled substance testing program for the 12 months prior to the date of the employment application; and
- 3) The driver provides evidence that no prior employer of the driver has any record of a violation of controlled substance use rules by the driver within the previous six months.

c. Pre-employment Consent.

The School District shall request the driver's written consent to obtain the following information from DOT-regulated employers who have employed the driver during the two (2) years before the date of the driver's application to a position requiring safety-sensitive duties:

- 1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- 2) Verified positive drug tests;
- 3) Refusals to be tested (including verified adulterated or substituted drug test results);
- 4) Other violations of DOT agency drug and alcohol testing regulations; and
- 5) Documentation of the driver's successful completion of return-to-duty requirements (for those drivers who have violated a drug or alcohol regulation). If the previous employer does not have this documentation, the School District shall request that the driver produce it.
  - a) A driver may not perform safety-sensitive functions if he/she refuses to consent in writing to the release of the above information.
  - b) Drivers are responsible for furnishing the District with accurate information regarding their employment history, including accurate identification of all former DOT-regulated employers.
  - c) The School District shall maintain a written, confidential record of the information obtained or of the good faith efforts made to obtain the information. This record shall be maintained for three years from the date of the driver's first performance of safety-sensitive functions.
  - d) Prior to the driver's first performance of safety-sensitive functions, the School District shall ask the driver whether he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test (1) administered by a DOT-regulated employer, (2) in connection with a position for which the driver applied, (3) involving the driver's failure to obtain safety-sensitive transportation work, and (4) over the period of two years preceding the date of the employee's application for employment with the School District. If the driver admits to a positive test or a refusal to test within the past two years, the School District shall not allow the driver to perform safety-sensitive functions until and unless the driver documents successful completion of the return-to-duty process.

d. Consequences Associated with Pre-employment Testing

- 1) The School District may decline to employ an applicant who fails drug testing, provides false information, or who fails to cooperate with the District in procuring testing and test results. To the extent the applicant has been offered employment or placed in an alternate position pending the receipt of test results, the offer may be withdrawn and alternate employment terminated in accordance with the District's policies and procedures applicable to employee termination.

2. POST-ACCIDENT TESTING

a. Alcohol

As soon as practical following an accident, an alcohol test will be administered to the following drivers:

- 1) Each surviving driver who was performing safety-sensitive functions with respect to the vehicle, if the accident involves loss of life.
- 2) Each surviving driver who received a moving traffic violation arising from the accident, if the accident involved:
  - a) Bodily injury to any person that necessitated immediate medical treatment away from the

scene of the accident; or

- b) At least one vehicle incurred disabling damage as a result of the accident that required the vehicle to be transported away from the scene by a tow truck or other vehicle.
  - 3) The test is to be administered within thirty-two (32) hours of the accident. If no test is made within that time period, then no test will be made and the driver's supervisor will prepare a written report stating the reasons for not administering a prompt test.
  - 4) Drivers shall remain readily available for testing. A driver leaving the scene of an accident without a valid reason prior to submission to the test may be deemed to have refused to submit to testing.
  - 5) A urine test for controlled substances administered by a law enforcement agency will be considered to meet these requirements if the test meets the requirements of the Federal Act and the results are obtained by the School District.
- b. Controlled Substances.

As soon as practical following an accident, a test for controlled substances will be administered to the following drivers:

- 1) Bodily injury to any person that necessitated immediate medical treatment away from the scene of the accident ; or
- 2) At least one vehicle incurred disabling damage as a result of the accident that required the vehicle to be transported away from the scene by a tow truck or other vehicle.

The test is to be administered within thirty-two (32) hours of the accident. If no test is made within that time period, then no test will be made and the driver's supervisor will prepare a written report stating the reasons for not administering a prompt test.

Drivers shall remain readily available for testing. A driver leaving the scene of an accident without a valid reason prior to submission to the test may be deemed to have refused to submit to testing.

A urine test for controlled substances administered by a law enforcement agency will be considered to meet these requirements if the test meets the requirements of the Federal Act and the results are obtained by the School District.

### **3. RANDOM TESTING**

Random alcohol and controlled substances testing of drivers will be conducted throughout the year. Selection of the drivers to be tested will be made by a scientifically valid method, such as random-number table or a computer based random-generator matched with drivers' social security numbers, payroll identification numbers or other comparable identifying numbers. Dates for administering unannounced testing shall be unpredictable and spread reasonably throughout a nine (9) month period.

Drivers are to be tested while performing safety-sensitive functions, just before performing those functions, or just after ceasing those functions. A driver who is notified of selection for random alcohol or controlled substances testing must proceed to the test site immediately, unless the driver is performing a safety-sensitive function other than driving, in which case the driver must cease performing the safety-sensitive function and proceed to the test site as soon as possible.

The minimum annual percentage rate for random alcohol testing will be twenty five percent (25%) of the average number of driver positions, subject to adjustment of the percentage by the Federal Highway Administration. The minimum annual percentage rate for random testing for controlled substances will be fifty percent (50%) of the average number of driver positions.

### **4. REASONABLE SUSPICION TESTING**

Alcohol and controlled substance testing will be conducted when there is reasonable suspicion to believe that a driver has violated a provision in this Policy. Reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Reasonable suspicion for controlled substance use may also be based on indications of the chronic and withdrawal effects of controlled substances.

Alcohol testing is authorized only if the observations are made during, just preceding, or just after the period of the work day that the driver is performing a safety-sensitive function. A written record must be made as to why an alcohol test was not made within two hours following a determination of reasonable suspicion of misuse. No test is to be made if eight hours passed after the determination.

Persons designated to determine whether reasonable suspicion exists shall receive at least sixty (60) minutes of training on performance indicators of probable alcohol misuse. The required observations shall be made by a supervisor who has received training in detecting the symptoms of alcohol/controlled substance misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the alcohol test.

A written record will be made of the observations leading to a controlled substance reasonable suspicion test. The record will be signed by the supervisor who made the observations. The record will be made within twenty-four (24) hours of the observed behavior or before the test results are received, whichever is earlier.

## **5. RETURN TO DUTY TESTING**

### **a. Returning after Reasonable Suspicion of Alcohol Abuse Determination.**

A driver suspected of being under the influence of or impaired by alcohol will not be permitted to perform a safety-sensitive function until: (i) an alcohol test shows a concentration of less than 0.02; or (ii) 24 hours have elapsed following a determination that there was reasonable suspicion to believe the driver has violated the rules in this Policy against alcohol misuse.

### **b. Returning after Violation of Prohibitions in this Policy.**

A driver who has engaged in conduct prohibited by this Policy shall not be permitted to perform safety-sensitive functions until s/he first passes a controlled substance test and/or an alcohol test with an alcohol concentration of less than 0.02.

A driver who has violated a provision in this Policy cannot again perform any safety-sensitive duties for any employer until and unless the driver completes the SAP evaluation, referral, and education/treatment process.

## **6. FOLLOW-UP TESTING**

A driver who has been identified by a SAP as needing assistance in resolving problems with alcohol misuse or controlled substance use and who has returned to duty involving the performance of a safety-sensitive function will be subject to a minimum of six (6) unannounced follow-up alcohol and/or controlled substance tests over the following twelve (12) months. The SAP is the sole determiner of the number and frequency of follow-up tests, as well as whether the tests will be for drugs, alcohol or both. The SAP can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months. The School District must carry out the SAP's follow-up testing requirements.

## **D. TEST PROCEDURES**

Testing methodology will comply with the requirements of the Oklahoma Act, except that the requirements of the Federal Act stated in this Policy supersede the provisions of the Oklahoma Act. Alcohol testing must be conducted in a location that provides visual and aural privacy to the driver, sufficient to prevent unauthorized persons from seeing or hearing the test.

### **1. Alcohol Testing Procedures**

#### **a. Procedures for an Alcohol Screening Test Using an EBT or Non-Evidential Breath ASD.**

1) When the driver enters the testing location, the BAT or STT will require the driver to provide positive identification. If the driver requests, the BAT or STT will provide positive identification. The BAT or STT will explain the testing procedure. An individually-sealed mouthpiece is opened in the view of the driver and attached to the EBT. The driver will then blow into the mouthpiece

for at least six (6) seconds. If the EBT does not provide a printed result, the BAT or STT will record the test number, date, technician's name, location and test result in a log book. The driver will initial the log book. If the EBT provides a printed result, the result is either: (i) printed on the testing form; or (ii) affixed to the form with tamper-evident tape.

- 2) If the screening test result is less than 0.02, the BAT or STT will transmit the result in a confidential manner to the School District's DER, who is designated by the Board of Education or the school Superintendent to receive and handle alcohol test results in a confidential manner.
- 3) If the breath test is 0.02 or higher, a confirmation test is required. The confirmation test must be conducted no less than fifteen (15) and no more than thirty (30) minutes after the screening test. Before a confirmation test is given, the BAT must conduct a "blank" test on the EBT to obtain a reading of 0.00. The remainder of the confirmation test is identical to the screening test for EBTs.
- 4) If the confirmation test result is lower than 0.02, nothing further is required of the driver.
- 5) If the confirmation test result is 0.02 or higher, the driver must sign and date the ATF. The BAT will immediately transmit the result to the DER in a confidential manner.
- 6) Refusal to take a required test has the same consequences as if the driver had tested 0.04 or more. The following constitutes a refusal to take a test: (1) failure to appear for any test within a time required to appear; (2) failure to provide an adequate amount of saliva or breath for testing without a valid medical explanation; (3) failure to cooperate with any part of the testing process; (4) failure to sign the alcohol testing form or ATF certification; (5) failure to remain at the testing site until the testing process is complete, unless the test is a pre-employment test; (6) failure to undergo a medical examination or evaluation due to insufficient breath sampling; (7) leaving the scene of an accident before being tested, except when reasonably necessary to receive medical treatment.

**b. Procedure for an Alcohol Screening Test Using Saliva ASD.**

- 1) When the driver enters the testing location, the STT will require the driver to provide positive identification. If the driver requests, the STT will provide positive identification. The STT will explain the testing procedure. The STT will check the expiration date on the device and show it to the driver. An individually wrapped package containing the device will be opened in the presence of the driver, and the driver will be instructed to insert the device into his or her mouth and use it in the manner described by the manufacturer. If the driver chooses not to use the device, the STT must insert the device into the driver's mouth and gather saliva.

**2. Controlled Substances Testing Procedures**

**a. Procedures for Collection of Urine Specimens.**

- 1) All urine collections must be split specimen collections.
- 2) The School District must direct an immediate urine collection under direct observation with no advance notice to the driver, if:
  - The laboratory reported to the Medical Review Officer ("MRO") that a specimen is invalid and the MRO has reported that there is not an adequate medical explanation for the result; or
  - The MRO reported that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- 3) The School District may direct a collection under direct observation of a driver if the drug test is a return-to-duty test or a follow-up test.
- 4) A driver must receive an explanation of the reasons for a directly observed collection.
- 5) If a driver declines to allow a directly observed collection, that driver will be considered to have refused to test.

**3. Procedures for Testing of Urine Specimens**

- a.** Testing of urine samples for controlled substances shall be performed by a laboratory certified by the federal Department of Health and Human Services ("DHHS") under the National Laboratory Certification Program.
- b.** Controlled substance testing may only be performed for the following five drugs or classes of drugs: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opiate metabolites, and (e) phencyclidine (PCP).

- c. If the driver requests a test of a split specimen, the first laboratory will ship the unopened split specimen to a second DHHS-approved laboratory for testing. If the test of the split specimen fails to confirm the presence of a controlled substance, the entire test is cancelled.
- d. The driver must request a split specimen test verbally or in writing within 72 hours of being notified of a verified positive drug test or refusal to test because of adulteration or substitution.
- e. If a driver does not make a request within 72 hours, the driver may present information to the MRO documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances that unavoidably prevented the driver from making a timely request.
- f. If a driver makes a timely request for a split specimen test, the School District must ensure that the MRO, first laboratory and second laboratory perform the split-specimen testing functions in a timely manner. If necessary, the School District must pay for the split specimen testing and seek reimbursement from the driver.
- g. The MRO will report split specimen test results to the DER and driver.
- h. The laboratory will report results directly to the MRO. The laboratory will not report the results to anyone else.
- i. When the MRO receives a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, the MRO will attempt to contact the driver to determine whether the driver wants to discuss the test result. If the MRO cannot reach the driver after reasonable efforts to do so, the MRO must contact the DER but cannot tell the DER that the driver has a confirmed positive, adulterated, substituted, or invalid test result. The DER must then attempt to contact the driver. If the DER makes contact with the driver, the DER should simply direct the driver to contact the MRO immediately and inform the driver of the consequences of failing to contact the MRO within the next 72 hours. If the DER is unable to reach the driver after making three (3) attempts, spaced reasonably, over a 24-hour period, then the DER may place the driver on temporary medically unqualified status or medical leave. Documentation must be kept by the DER of any actual and/or attempted contacts with the driver, including the dates and times of the contacts. If the DER is unable to contact the driver within the 24-hour period, the DER must leave a message for the driver by voice mail, e-mail or letter to contact the MRO and inform the MRO of the date and time of this message.
- j. Confirmation testing for controlled substances will be performed in accordance with the Oklahoma Act, except when the Oklahoma Act conflicts with Federal law.
- k. The MRO must verify a confirmed positive test result for marijuana, cocaine, amphetamines, and/or PCP unless the driver presents a legitimate medical explanation for the presence of the drug(s)/metabolite(s) in her or his system.
- l. As part of the verification decision, the MRO must conduct a medical interview that includes reviewing the driver's medical history and any other relevant biomedical factors presented by the driver, as well as directing the driver to undergo further medical evaluation.
- m. DOT tests must be completely separate from non-DOT tests in all respects, and DOT tests must take priority over non-DOT tests. DOT tests must be completed before a non-DOT test is begun. The results of a DOT test shall not be disregarded or changed based on the results of a non-DOT test.

## **E. PROHIBITIONS**

A driver will not be permitted to report to duty or to remain on duty requiring the performance of a safety-sensitive function if:

### **1. ALCOHOL**

- a. The driver has an alcohol concentration of 0.02 or higher as measured on a breath test.
- b. The driver displays behavior or appearance characteristics of alcohol misuse.
- c. The driver is under the influence of or is impaired by alcohol, as shown by behavioral, speech, and performance indicators of alcohol misuse.
- d. The driver possesses alcohol while on duty.
- e. The driver uses alcohol during duty performance.
- f. The driver has used alcohol within the four hours prior to performing duties.
- g. The driver has had an accident within the last eight hours and has not taken a breath test showing

clearance from prohibited alcohol levels.

- h. The driver has refused to take a breath test for alcohol use.
- i. The driver is taking any prescription or non-prescription medication containing alcohol, even if the driver has notified the driver's supervisor of the medication use.

## **2. CONTROLLED SUBSTANCES**

- a. The driver uses any controlled substance, unless the use is pursuant to a physician's written certification stating that the use does not adversely affect the driver's ability to safely operate a motor vehicle.
- b. A supervisor or administrative employee has actual knowledge that a driver has used a controlled substance.
- c. The driver has a positive confirmed test for a controlled substance.
- d. The driver displays behavior or appearance characteristics of controlled substance use.
- e. The driver has refused to take a controlled substance test.

## **3. REFUSAL TO TEST**

A driver has refused to take an alcohol or controlled substance test if he/she:

- a. Fails to appear for any test as directed by the School District.
- b. Fails to remain at the testing site until the testing is complete.
- c. Fails to provide a urine specimen.
- d. Fails to provide a sufficient amount of urine when there is no adequate medical explanation for the failure.
- e. Fails to permit a directly observed or monitored collection.
- f. Fails or declines to take a second test the School District or collector has directed.
- g. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process or as directed by the DER when the urine sample was insufficient.
- h. Fails to cooperate with any part of the testing process (e.g. refuses to empty pockets when directed to do so, behaves in a confrontational way that disrupts the collection process).
- i. Has a verified adulterated or substituted test result.

## **4. STANDING DOWN EMPLOYEES**

Stand-down is “the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.”

- a. DOT regulations prohibit employers from standing employees down, before the MRO has completed verification of the test result.
- b. A verified test is a drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.
- c. The District may assign a driver non-driving duties pending the receipt of a verified test result when the District has reasonable suspicion to believe the employee is impaired.
- d. When the District does remove an employee from service, following verification of the drug test result, it will do so consistent with the confidentiality requirements, within its control, imposed by law.

## **F. REFERRAL AND TREATMENT**

- 1. A driver who violates any of the Prohibitions in this Policy shall be advised of the resources available to the driver for evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.
- 2. A driver who violates any of the Prohibitions in this Policy must be evaluated by a SAP who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse or controlled substance use. The driver will not be permitted to perform safety-sensitive duties for any employer until and unless he or she completes the SAP evaluation, referral, and education/treatment process.
- 3. If the driver is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use, the driver must be evaluated by a SAP to determine if the driver has properly

followed the prescribed rehabilitation program. The driver must be subject to unannounced follow-up alcohol and/or controlled substance tests upon return-to-duty.

4. The SAP will provide a written report directly to the DER highlighting the SAP's specific recommendations for a course of education and treatment with which the driver must comply prior to returning to the performance of safety-sensitive functions. Neither the driver nor the School District shall seek a second SAP's evaluation in order to obtain another recommendation. Only the SAP who made the initial evaluation may modify his or her initial recommendations.
5. If the SAP recommends that the driver continue treatment, aftercare or support group services after returning to safety-sensitive duties, the School District may require the driver to participate in the recommended treatment or services as part of the return-to-duty agreement.
6. These requirements do not apply to drivers refusing to be tested or drivers having a pre-employment test of 0.04 or more.
7. The School District is not required to return a driver to safety-sensitive duties just because the driver complies with the SAP's recommendations.

#### **G. EDUCATIONAL MATERIALS**

Each driver shall receive educational materials that explain: (1) the alcohol misuse prevention requirements; (2) the School District's policies and procedures; (3) the identity of a contact person knowledgeable about the materials; (4) factual information on the effects of controlled substance use and alcohol misuse on personal life, health and safety; (5) where help can be obtained, including information regarding the School District's Employee Assistance Program; (6) categories of employees subject to testing; (7) a description of prohibited conduct and the circumstances that trigger testing; (8) testing procedures and safeguards; (9) what constitutes a refusal to submit to testing and the consequences; (10) signs and symptoms of an alcohol or controlled substance problem; (11) consequences for drivers with an alcohol test level of 0.02 or more but less than 0.04; and (12) the consequences of violating the rules in this Policy. The District's staff will prepare and distribute appropriate educational materials as provided for in this section.

#### **H. MAINTENANCE OF RECORDS**

Upon written request, a driver is entitled to obtain copies of any School District records concerning the driver's use of alcohol or controlled substances, including test results. The School District shall not release individual test results or medical information about a driver to third parties without the employee's specific written consent to the release of a particular piece of information to a particular person or organization. Notwithstanding this prohibition, the School District may release information pertaining to a driver's drug or alcohol test without the employee's consent in certain legal proceedings.

#### **I. DISCIPLINARY ACTION**

Employees who violate any prohibition in this Policy will be subject to disciplinary measures, including employment termination. Likewise, employees whose test results are positive for alcohol or controlled substances are subject to disciplinary actions, including employment termination. The same disciplinary consequences face individuals who provide false information in connection with the testing process or who fail to cooperate with the District's efforts to fulfill its testing obligations.

#### **J. OTHER POLICIES**

This Policy does not supersede any other School District policy pertaining to alcohol misuse or controlled substance use by School District employees, except to the extent that this Policy is specific to drivers performing safety-sensitive functions. To the extent permitted by federal law, this Policy is to be interpreted consistent with Oklahoma's Act regarding drug and alcohol testing of personnel.

*Adopted by the Board of Education 9-12-05.*

**TAHLEQUAH SCHOOL DISTRICT**  
**BUS DRIVER CONSENT FOR RELEASE OF INFORMATION**  
**FROM DOT-REGULATED EMPLOYER(S)**

I, \_\_\_\_\_, hereby agree to allow any of my former Department of Transportation (“DOT”) regulated employers, who have employed me within two (2) years of the date that I applied for a position with the School District, to release information concerning my prior drug and alcohol tests and results. This is for any position I held which required the performance of safety-sensitive duties. I understand that the School District is required by law to obtain my consent in writing, and my signature below authorizes any of my former DOT-regulated employers to release the following information to the School District:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;
3. Refusals to be tested (including verified adulterated or substituted drug test results);
4. Other violations of DOT agency drug and alcohol testing regulations; and
5. Documentation of the successful completion of the return-to-duty requirements (if I have violated a drug or alcohol regulation).

I further agree to turn over copies of any documentation or information I have in my possession that relates to the five (5) areas described above. I understand that if I refuse to consent in writing to the release of the above information, federal law prohibits me from performing safety-sensitive duties.

By signing below, I acknowledge that I have read, understand and agree to the foregoing. I also acknowledge and affirm that I have provided the School District with a complete listing of my former employers, including my former DOT-regulated employers.

\_\_\_\_\_  
Driver (Print name)

\_\_\_\_\_  
Driver (Signature)

\_\_\_\_\_

Date

**For School District Use Only:**

(Date)

(District employee initials)

Consent form provided to bus driver: \_\_\_\_\_

Consent form returned from bus driver: \_\_\_\_\_

Consent declined: \_\_\_\_\_

**BUS DRIVER QUESTIONNAIRE**

1.	Have you ever <u>tested positive</u> on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work during the past two (2) years?	<p align="center">_____ Yes                  No</p>
2.	Have you ever <u>refused to take</u> any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work during the past two (2) years?	<p align="center">_____ Yes                  No</p>
3.	If you answered "Yes" to Question 1 or 2, have you successfully completed the return-to-duty process?	<p align="center">_____ Yes                  No</p>
4.	If you answered "Yes" to Question 3, can you provide documentation of your successful completion of the return-to-duty process?	<p align="center">_____ Yes                  No</p>

If you desire to provide any comments to supplement your answers to questions 1-4 above, please do so below:

\_\_\_\_\_

\_\_\_\_\_

<b>FACULTY MEETINGS</b>	<b>4533</b>
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Regular faculty meetings shall be held at least monthly or as often as needed in each building. It is the principal's responsibility to prepare the agenda for each meeting and to determine the frequency for the meetings. Between regular meetings, communication with faculty may be held by using departmental meetings, planning period meetings, memos, special meetings, announcements, etc.

*Adopted by the Board of Education on 2-13-92.*

<b>SUBSTITUTE TEACHING</b>	<b>4535</b>
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The Board of Education realizes that teachers may occasionally be absent from the classroom and recognizes the need for qualified substitute teachers. Certified substitute teachers shall be paid \$70.00 per day. Non-certified substitutes will be paid \$60.00 per day.

Substitute teachers are approved through the Personnel Office upon completion of required paperwork. They are encouraged to attend substitute teacher workshops provided by the district.

No substitute teacher shall be employed for a total period of time in excess of ninety (90) school days during a

school year; or one hundred (100) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. No substitute teacher shall be employed for the same assignment in excess of ninety (90) school days without a valid certificate. Effective November 1, 2012.

Substitute teachers who do not hold a valid certificate and who are employed to teach special education for students with physical disabilities or students with intellectual disabilities shall not be subject to the restrictions on total time a substitute teacher may be employed if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. The district will provide required in-service training as prescribed by the State Board of Education for a substitute teacher employed to teach special education for more than 15 consecutive days or 30 total days in the same assignment.

**REFERENCE: 70 O.S. Section 6-105**

*Adopted by the Board of Education on 2-13-92. Revised 7-13-06, Revised 7-31-08, Revised 11-8-10, Revised 10-8-1, Revised 4-14-16*

<b>PROFESSIONAL GROWTH</b>	<b>4550</b>
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All employees of the district are expected to be current on the newest methods and equipment available to perform their duties. Certified and non-certified staff may be requested to represent the district at seminars and workshops in their area of assignment during the year. The district will accept the responsibility of paying for all registration and travel expenses for these meetings when the individual has been requested to attend. Professional development will provide a substitute teacher, if needed, when the workshop meets the professional development guidelines.

Each building and department is provided funds which may also be used for professional growth. If an individual initiates a request to attend a workshop or conference, the individual must first receive permission from the building principal or department administrator. The application indicates whether or not the building or department account is paying for the expenses of the staff person.

*Adopted by the Board of Education on 2-13-92. Revised 4-11-96*

<b>PROFESSIONAL DEVELOPMENT POLICY</b>	<b>4553</b>
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The Board recognizes the need for and supports the concept of a comprehensive and continuing professional development program. The major purpose of the program is to increase the effectiveness of all persons who contribute toward the attainment of the goals and objectives of the district. The program also will provide for career, personal, and organizational development through training and educational activities.

Certified employees must obtain a total of seventy-five (75) points per five-year cycle, with a minimum of fifteen (15) points of training per year.

A focused and individualized program of professional development shall be developed in 2016-2017, piloted in 2017-2018, and implemented in 2018-2019 for each teacher and administrator that is consistent with the qualitative component of the TLE. Annual professional growth goals shall be developed for each certified employee in collaboration with the certified employee's evaluator. The goals shall be tailored to address a specific area or criteria identified through the qualitative component of the TLE. The certified employee will actively engage with learning practices that are evidence-based, researched practices that are correlated with increased student achievement, and the professional development will be supported by resources that are easily available and supplied by the local school district and the State Department of Education. The superintendent or designee shall monitor compliance with each individualized program of professional development.

The professional development committee shall be composed of classroom teachers, administrators, and parents. A majority of the committee shall consist of classroom teachers who will be selected by the Board of Education from list provided to the Board by the Tahlequah Education Association.

"Failure of any teacher to meet local school board professional development requirements may be grounds for nonrenewal of such teacher's contract by the local school board. Such failure may also be grounds for nonconsideration of salary increments affecting said teacher" (70 O.S., 1990, Section 6-158).

**PROFESSIONAL DEVELOPMENT REGULATION**

**4555**

In accordance with the policy of the Board of Education, the following regulations shall govern professional development.

**A. Professional Development of Certified Personnel and Not Yet Certified Resident Teachers**

**1. Membership in Professional Organizations**

- a. The Board of Education feels genuine professional growth can be obtained by membership in the various professional organizations, but that membership should be on a voluntary basis and not compulsory.
- b. Attendance at Required Meetings (all certified and licensed personnel)
  - 1) Certified and licensed persons are expected to attend ALL curriculum meetings planned by the local Professional Development Committee.

**2. Inservice Training (as regulated by House Bill 1706).**

- a. A minimum of 75 professional development points shall be earned within a five-year period by each certified and licensed individual. One point shall be equivalent to one clock hour.
- b. FIFTEEN professional development points MUST be earned from Professional Days set aside on the professional working calendar. Any exceptions must be submitted and approved by the Professional Development Committee.

**B. Approved Professional Development Opportunities**

1. Such workshops as shall be provided by the local Professional Development Committee in response to analysis of needs assessments administered annually to ALL certified and licensed personnel.

2. Credit may be earned through the following alternatives:

a. Professional Meetings (Sanctioned by State Department of Education or professional organizations where professional development points are awarded.)

- 1) State and Zone O.E.A. Workshops and C.C.O.S.A. Meetings
- 2) Summer and Saturday Workshops
- 3) Coaches Clinics (for Summer Coaching Clinic in the absence of signed vouchers - 10 professional development points allowed with local voucher to be signed by Superintendent)
- 4) Vocational Workshops
- 5) Teacher Visitation
- 6) Other

b. Professional Committees

- 1) Textbook Committee
- 2) Professional Development Committee
- 3) Local certified personnel conducting workshops
- 4) Local Teacher Association President (5 points per year)
- 5) Curriculum Renewal Steering Committee
- 6) Curriculum 4-Year Renewal Steering Committee Chairpersons (1 point per year)

c. College Courses and Credits

1) (One semester hour of approved college credit shall equal 15 professional development points.)

d. Additional kinds of experiences may be recommended as alternative activities to the Professional Development Committee to be approved by the local Board of Education.

e. For each clock hour of participation in alternative activities, one professional development point will be awarded.

**C. Record Keeping**

1. Certificates for workshops and individual records of professional development points will be kept by the Professional Development Coordinator at the District office.

2. Turning in certificates, evaluations, and signing the record of points is the responsibility of each individual.

3. Certificates and evaluations MUST be turned in to the District Coordinator or building representative NO LATER THAN ONE WEEK after a workshop. These points will be LOST if this is not done during this

time period.

4. An evaluation is to be filled out for every local workshop and returned to the building representative.
5. Lost certificates result in points not being counted. Replacement certificates WILL NOT be available.
6. A comparison check of each certified and licensed person's points will be made once each semester by the building representative and the District Coordinator. A report of earned points for each teacher will be posted in each building each semester.
7. Any questions concerning Professional Development should be directed to the building representative and/or District Coordinator.
8. College credit earned during the summer MUST be turned in to the building representative or District coordinator no later than the end of the first full week beginning each school year. (A copy of the transcript or grades is needed to show the number of hours earned.)
9. Beginning with the Four-Year Professional Development Plan 1992-1996, at least once during the four-year period and in every four-year period thereafter, all certified and licensed teachers and administrators shall participate in continuing education and/or in-service training in outreach to parents and multi-cultural education.
10. Public school teachers and administrators in grades five through twelve shall participate on a regular basis in an in-service training program related to AIDS prevention education. The training program shall be approved by the State Department of Education and the State Department of Health, and shall qualify towards professional development requirements for the participating teachers. The in-service training specified in this subsection is an annual requirement.
11. The time frame for completing each year's requirement begins July 1 and ends June 30. At the end of each cycle, a personnel report will be forwarded to the Superintendent from the Professional Development Committee indicating points earned or not earned for that particular year. Additionally, this report will acknowledge personnel which have or have not satisfactorily completed their five-year cycle.
12. Any person employed one-half time or less shall be required by the local district to meet at least half of the local district's annual point requirements, not less than two (2) points, and to count such year toward the accrual of seventy-five (75) professional development points over a five (5) year period.
13. Provide opportunity for non-employed certified teachers or administrators to attend Professional Development Day activities.
  - a. Notice of all Professional Development workshops will be made in local newspaper and posted two weeks in advance at each building site for the purpose of providing opportunity for certified non-employed teachers or administrators to attend Professional Development workshops. A minimum fee of \$35.00 will be charged for each a.m. and/or p.m. session. A minimum fee of \$50.00 will be charged for a combined a.m. and p.m. session.
14. Provide opportunity for non-employed certified teachers or administrators to attend Professional Development Day activities.
  - a. Notice of all Professional Development workshops will be made in local newspaper and posted two weeks in advance at each building site for the purpose of providing opportunity for certified nonemployed teachers or administrators to attend Professional Development workshops. A \$25.00 fee will be charged for each a.m. and/or p.m. session.
  - b. A teacher or administrator who is not employed as a teacher or administrator and holds a valid Oklahoma Standard Teaching Certificate may satisfy requirements for renewal of the Standard Teaching Certificate by completing seventy-five (75) points in professional development programs, conferences and seminars approved by a public-school district.

*Adopted by the Board of Education on 2-13-92. Revised 12-9-93, Revised 9-8-94, Revised 4-11-96,  
Revised 11-14-11*

## **FEE WAIVERS**

**4557**

Fee waivers are provided by Northeastern State University to Tahlequah Public Schools in appreciation for the district's participation in the Teacher Intern Program. A fee waiver in the amount of one (1) credit hour is awarded to the district for each student teacher who participates in a full semester of intern teaching in one of the district schools. These fee waivers may be given by the district to teachers who may then apply them toward payment

for graduate courses taken at the University.

The district will be responsible for observing those regulations adopted at the University for the use of the fee waivers.

*Adopted by the Board of Education on 2-13-92. Revised 2-10-94, Revised 6-25-97*

## **FEE WAIVERS – REGULATION**

**4559**

Fee waivers provided by Northeastern State University will be distributed twice per year - in December and May. They will be provided on a first-come, first served basis as long as they are available.

Teachers should apply for fee waivers during the semester prior to the one in which they wish to enroll at the University. Those desiring to be placed on the list of persons to be considered for fee waivers need to bring to the Board of Education proof of enrollment at the University.

The deadline for turning in the Fee Waiver Request and the proof of enrollment will be at the close of working hours one week before late enrollment begins in January and May.

The Board of Education secretary will begin distributing fee waivers to those teachers who present proof of enrollment prior to the deadline.

A limit will be placed on the number of fee waivers which a teacher may receive. Teachers may receive fee waivers not to exceed three hours during any semester. Fee waivers will be distributed on a first-come, first-served basis.

*Adopted by the Board of Education on 2-13-92. Revised 6-25-97, Revised 7-13-06*

## **PROFESSIONAL ORGANIZATIONS**

**4561**

Teachers and administrators are encouraged to join and be active in the various professional organizations which exist to make its members more aware of the current trends and legislation in the educational field. Membership in all such organizations is voluntary and is the financial responsibility of the individual.

*Adopted by the Board of Education on 2-13-92*

## **POLICY OF CERTIFIED STAFF EVALUATION**

**4575**

The Tahlequah School District Board of Education believes that personnel evaluation is a mutual endeavor among all staff members and the board to improve the quality of the overall educational program. The improvement of the district's educational efforts must be a joint responsibility of the school district and the individual educator.

All staff members are expected to perform at a minimum within the "effective" (2.80) level in their job classification. Evaluation is a system for documenting the criteria and the evidence of achievement by staff members.

The Board of Education of Tahlequah School District I-35, Tahlequah, Oklahoma, hereby adopts the Tulsa Model Teacher and Leader Effectiveness (TLE) Observation and Evaluation System for all certificated employees in compliance with 70 S.O.S Section 6-101.16 (SB2033). The TLE Observation and Evaluation System is an evidence-based process of teacher evaluation, feedback and support anchored in specific domains, dimensions, and indicators reflecting national best practices and current research regarding effective instruction.

All certified teachers shall be evaluated using Tulsa's TLE Observation and Evaluation System. The completed evaluation shall be retained in the personnel file of the person being evaluated. The evaluation instrument is a confidential document and shall be protected accordingly.

The performance of all licensed or certified teachers will be evaluated using the Tulsa Model Teacher and Leader Effectiveness (TLE) Observation and Evaluation System as submitted through negotiations and approved by the

Board of Education. Each evaluation shall be based upon the evaluator's actual observation of the person being evaluated while performing his/her job function. Except for the Superintendent of schools, who will be evaluated by the Board of Education; all principals and other administrators will be evaluated at least annually by the Superintendent, or designee. All certified\_administrator evaluations shall be made in writing utilizing the McREL's Principal Evaluation System. All certified teacher personnel shall be evaluated by a principal, assistant principal, or other trained certified individual designated by the school district board of education, as-provided by law.

Beginning with the 2019-2020 school year, the district will evaluate teachers in accordance with the Revised Tulsa TLE model and procedures. Every probationary staff member will be observed by the final day of the first, second, and third academic quarter. The final evaluation is required by April 30<sup>th</sup> of the fourth academic quarter. Every career teacher will have two observations and an evaluation once every year by April 30, except for career teachers receiving a district evaluation rating of superior or highly effective under the TLE may be evaluated once every three years. The evaluator has the discretion to conduct a formal evaluation during any time and the teacher can request a formal evaluation during any time. All personnel designated by the local board to conduct their personnel evaluations shall be required to participate in training conducted by the State Department of Education prior to conducting such evaluation.

Evaluation reports will be completed on the Tulsa Model TLE evaluation form and shall be followed by a conference between evaluator and staff member. The form will be signed by both. If the evaluator rates the staff member at a level 1-Ineffective on any indicator on an observation or an evaluation form, then a PDP will be developed. If the evaluator rates the staff member at a level 2-Needs Improvement on any indicator on an observation or an evaluation form, then a PDP may be developed. Beginning with the 2014-2015 school year a TLE Goal Setting Form may be used after any observation or after an evaluation, in lieu of a PDP when the teacher has no more than 2 ratings of 2-Needs Improvement and has no rating of a 1-Ineffective. Staff member rated with more than 2 ratings of 2-Needs Improvement on an evaluation will receive a PDP. The PDP will follow the prescribed components within the Tulsa Model TLE template in narrative format.

Through the online evaluation software program, the evaluator and evaluatee can attach written and signed comments to any item on the evaluation instrument within two weeks of the evaluation, provided that no additional statements or comments shall be attached without the teacher's knowledge. The teacher's signature on the evaluation instrument shall serve only to reflect the teacher's acknowledgment that an evaluation was conducted. A copy of the completed evaluation instrument will be provided to the teacher.

The evaluation report, written explanation of items marked 1 or 2 and the PDP along with a copy of the observation form will be filed in the staff member's personnel file. A copy of the evaluation and observation form will be placed in the Principal's unofficial file. Except by order of a court of competent jurisdiction, evaluation documents and the responses thereto shall be made available only to the evaluated person, the board of education, the administrative staff making the evaluation, the board and administrative staff of any school to which such evaluated person applies for employment and such other persons as are specified by the teacher in writing and shall be subject to disclosure at a hearing.

The district shall make every reasonable effort to give all necessary support and assistance to teachers with respect to maintenance of an appropriate learning environment in the classroom. Whenever a pupil requires the attention of counselors, administrators, or other district professionals, the district shall take steps to ensure that the student receives such attention.

For evaluations of teachers and administrators conducted during the 2017-2018 school year, and each school year thereafter, school districts shall incorporate and put into operation the qualitative component of the TLE and shall provide all teachers and administrators with a district evaluation rating based upon the components of the TLE. For the 2017-2018 school year districts shall incorporate the individualized programs of professional development set forth at 70 O.S.6-101.10(B) on a pilot program basis. For evaluations of teachers and administrators conducted

during the 2018-2019 school year, and each school year thereafter, school districts shall fully incorporate and put into operation the individualized programs of professional development as set for at 70 O.S. 6-101.10 (B).

The procedures, criteria, instruments and process of evaluation will be subject to continuous review and appraisal by the Board of Education and the Association. As they are approved by the Board of Education and the Association, copies of all amendments and changes will be provided to staff members by the Board. Any legislative act, State Department ruling, or court decision which makes any part of this policy unlawful will in no way make the rest of this policy invalid.

*Adopted by the Board of Education on 8-4-86. Revised 7-13-95, Revised 4-11-96, Revised 7-13-06, Revised 2-14-11, Revised 11-12-12, Revised 10-14-13, Revised 9-11-14, Revised 8-11-16. Revised 11-9-17, Revised 2-18-20*

## **IMPROVEMENT PLAN POLICY**

**4579**

The Tahlequah Public School Board of Education feels that continuing improvement of its staff is of paramount importance. Monetary incentives for degree levels are built in the salary schedule and staff development programs are presented to encourage improvement. Equally important is the responsibility of the certified staff to maintain at least the standards specified by the Oklahoma Minimum Criteria for Effective Teaching and Administrative Performance and other standards established through Board Policy and procedures as conditions for employment. Should these standards not be met, an improvement plan will be prepared to ensure that the staff member makes the improvement necessary to meet the standard(s).

The improvement plan will be prepared by the immediate director, supervisor or administrator of the employee being required to improve. The plan will state the deficiency in question, the way the employee should improve, (a statement by the person in charge as to what they will do to assist with the improvement and a statement by the employee as to what they will do to improve) and a definite and reasonable time for a review conference, not to exceed 30 days. At the review conference, either a satisfactory improvement is signed off by both parties or a second conference period is scheduled, not to exceed 30 days. It will be stated that if satisfactory improvement is not made by the second conference period deadline, the Superintendent will be presented the plan for review. If appropriate, the Superintendent will submit a recommendation to the Board of Education for dismissal or non-renewal.

A teacher shall not be prohibited or disciplined for:

1. Disclosing public information to correct what the teacher reasonably believes evidences violation of the Constitution, or law, or a rule promulgated pursuant to law;
2. Reporting a violation of the Oklahoma Constitution, or state or federal law. Reporting would be limited to providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney and or parent or legal guardian of a student directly impacted by the actions.
3. Taking any of the above actions without giving prior notice to the teacher's supervisor or anyone else in the teacher's chain of command.

“Reporting” means providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney, and or parent or legal guardian of a student directly impacted by the actions.

The school district may discipline any teacher who violates students' or parent's rights to confidentiality and protection under the Family Educations Rights and Privacy Act (FERPA).

The improvement plan process is meant to maintain the above-mentioned standards for all employees of the District. Any misuse of this process will be handled through the grievance procedure.

*Adopted by the Board of Education on 9-14-89. Revised 2-10-94, Revised 11-9-17*

In accordance with the policy of the board of education, the following procedures shall be followed in terminating the employment of career and probationary teachers.

**A. Definitions and Scope**

1. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian, school nurse, or any instructional capacity. An administrator shall be considered a teacher only with regard to service in an instructional, non-administrative capacity.
  2. "Dismissal" means the discontinuance of the teaching service of a teacher during the term of a written contract, as provided by law.
  3. "Non-reemployment" means the non-renewal of a teacher's contract upon expiration of the contract.
  4. "Suspension" means the temporary discontinuance of a teacher's services during the term of a contract pending dismissal or non-reemployment.
    - a. "Career teacher" means a teacher who: for teachers employed by the school district prior to the 2017-2018 school year end has completed three (3) or more consecutive complete school years as a teacher in the school district under a written continuing or temporary teaching contract, or
    - b. for teachers employed for the first time by the school district under a written continuing or temporary teaching contract during the 2017-2018 school year or after:
      - 1) has completed three (3) consecutive complete school years as a teacher in the district under a written continuing or temporary teaching contract and has achieved a rating of "superior" as measured pursuant to the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) for at least two (2) of the three (3) years, with no rating below "effective", or
      - 2) has completed four (4) consecutive complete school years as a teacher in the district under a written continuing or temporary teaching contract, has averaged a rating of at least "effective" as measured pursuant to the (TLE) for the four-year period, and has received a rating of at least "effective" for the last (2) years of the four-year period, or
      - 3) has completed four (4) or more consecutive complete school years in the district under a written continuing or temporary teaching contract and has not met the requirements of subparagraph 5a or 5b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the petition. The principal shall specify in the petition the underlying facts supporting the granting of career status to the teacher.
    - c. "Probationary teacher" means a teacher who: for teachers employed by the school district during the 2011-2012 school year, has completed fewer than three (3) consecutive complete school years as a teacher in the school district under a written teaching contract, or
    - d. for teachers employed for the first time by the district under a written teaching contract on or after July 1, 2012, has not met the requirements for career teacher
  5. This policy does not apply to:
    - a. Substitute teachers
    - b. Adult education teachers or instructors
    - c. Teachers employed on temporary contracts
    - d. Administrators, except with regard to service in an instructional, non-administrative position.
- B. This policy does apply to teachers employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant. Grounds for Dismissal or Non-reemployment**
1. Cause:
    - a. A career teacher may be dismissed or not reemployed for:
      - 1) Willful neglect of duty;
      - 2) Repeated negligence in performance of duty;
      - 3) Incompetency;

- 4) Unsatisfactory teaching performance;
  - 5) Instructional ineffectiveness;
  - 6) Mental or physical abuse to a child;
  - 7) Commission of an act of moral turpitude;
  - 8) Abandonment of contract;
  - 9) Failure to meet local school board staff development requirements; or
  - 10) Any other grounds hereafter allowed by law.
- b.** A probationary teacher may be dismissed or not reemployed for cause.
1. A career teacher who has been rated an “ineffective” as measured pursuant to the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, or
  2. has been rated as “needs improvement” of lower pursuant to the TLE for three (3) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, or
  3. has not averaged a rating of at least “effective” as measured pursuant to the TLE over a five-year period shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district.
- c.** A probationary teacher who
1. has been rated an “ineffective” as measured pursuant to the TLE for two (2) consecutive school years shall be dismissed or not reemployed by the school district, or
  1. has not attained career teacher status within a four-year period shall be dismissed or not reemployed by the school district.
- d.** A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment, the teacher is convicted in this state, the United States or another state of:
1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state’s or the federal sex offender registration provisions; or
  2. Any felony offense.
- e.** A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual’s performance of school duties. As used in this subsection:
1. “Criminal sexual activity” means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and
  2. “Sexual misconduct” means the soliciting or imposing of criminal sexual activity.
- f.** As used in this section, “abandonment of contract” means the failure of a teacher to report at the beginning of the contract term or otherwise performs the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment.
- g.** Corrective Action - Admonishment/Personal Development Plan (PDP) When a teacher receives a rating as measured pursuant to Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) that may lead to a recommendation for the dismissal or non-reemployment of the teacher or when the administrator identifies poor performance or conduct that the administrator believes may lead to a recommendation for the teacher’s dismissal or non-reemployment, the administrator shall:
- 1) Admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct: and
  - 2) Establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the teacher’s performance or conduct.
- h.** Whenever a member of the Board of Education, Superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or non-reemployment of a teacher, the administrator who has responsibility for evaluation of the teacher shall be informed and

he/she shall admonish the teacher as described above. If the administrator fails or refuses to admonish the teacher within ten (10) days after being informed of the problem, the Board, Superintendent or other administrator who identified the problem shall admonish the teacher.

- c. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator (or other admonishing official) shall make a recommendation to the Superintendent for the dismissal or non-reemployment of the teacher. The Superintendent shall furnish a copy of the recommendation to the Board of Education.

### C. Procedures for Dismissal or Non-reemployment

#### 1. Commencement of Action

- a. Whenever the Superintendent determines that cause exists for the dismissal or non-reemployment of a teacher employed within the School District, the Superintendent shall submit a recommendation in writing to the Board of Education. The superintendent shall also specify the underlying facts supporting the recommendation.
  - 1) If the teacher subject to such recommendation is a career teacher, the recommendation shall specify the statutory grounds for which the recommendation is based, or
  - 2) If the teacher subject to such recommendation is a probationary teacher, the recommendation shall specify the cause for which the recommendation is based.
- b. In the absence of a recommendation from the Superintendent pursuant to this section, or when the Board of Education chooses not to accept the Superintendent's recommendation as to reemployment of a teacher, the Board may initiate dismissal or non-reemployment actions without a recommendation provided that it adheres to the other provisions of this policy and that the corrective action procedures, if applicable, have been followed.

#### 2. Suspension

Whenever the Superintendent has reason to believe that cause exists for the dismissal of a teacher and is of the opinion that the immediate suspension of the teacher would be in the best interests of the children in the district, the Superintendent, or the Board of Education on the recommendation of the Superintendent, may suspend the teacher without notice or hearing. The suspension shall not deprive the teacher of any teaching compensation or other benefits to which he/she would otherwise be entitled under the teaching contract or pursuant to law. Within ten (10) days after the suspension becomes effective, the Board of Education shall, initiate a hearing for dismissal pursuant to this policy. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated at trial, except such extension shall not include any appeal process.

#### 3. Notice and Hearing

- a. Prior to the time that the Board of Education takes any action to dismiss or non-reemploy a teacher, whether the Board is acting on its own volition or on a recommendation of the Superintendent, the Clerk of the Board shall mail to the teacher, by certified mail, restricted delivery with return receipt requested, by personal delivery to the teacher with a signed acknowledgement of receipt, or by delivery by a process server, a copy of the recommendation (or a comparable statement of grounds and underlying facts, if the Board is acting on its own volition), and a notice that the teacher has a right to a hearing before the Board and stating the date, time and place set by the Board for the hearing. The hearing shall be held no fewer than 20 days and no more than 60 days after the teacher receives the notice. The notice shall specify the statutory grounds upon which the recommendation is based upon for a career teacher or shall specify the cause upon which the recommendation is based upon for a probationary teacher. The notice shall also specify the underlying facts supporting the recommendation. Notice of a recommendation of non-reemployment or possible non-reemployment action by the Board acting on its own volition shall be given to the teacher prior to the 1<sup>st</sup> Monday in June, if a recommendation has been made not to reemploy the teacher for the ensuing year.

### D. Teacher Hearing Procedures

1. The parties to the hearing are the teacher and the superintendent or designee, and they shall be afforded the following rights at any hearing held pursuant to these regulations:
  - a. The right to be represented.
  - b. The right to present witnesses in person or to present their testimony by interrogatories, affidavits,

or depositions if agreed to by the parties. A list of all witnesses and exhibits shall be furnished to the other party at least five (5) days before the hearing.

- c. The right to cross-examine witnesses.
  - d. The right to testify in his/her own behalf and present evidence and argument on all issues involved.
  - e. The right to have an orderly hearing.
  - f. The right to have an impartial decision based upon the evidence presented.
2. The board president or, in case of absence, a designee, shall be the presiding officer at the hearing.
  3. The hearing shall be convened by the board president who shall state the purpose of the hearing, introduce the parties, and administer the oath to all persons who will testify.
  4. Upon the request of either party, the presiding officer may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his/her representative shall not be excluded.
  5. At the hearing, the burden of proof shall be on the superintendent and the standard of proof shall be by a preponderance of the evidence.
  6. The local Board of Education shall maintain such a record (including a tape or other electronic or digital recording of the hearing and any documents or evidence presented to the board) for two (2) years from the date of the hearing.
  7. Informal disposition of any recommendation for dismissal or nonrenewal may be made by written stipulation, agreed settlement, consent order, or default.
  8. The teacher shall receive any compensation or benefits to which the teacher is otherwise entitled until the decision of the Board becomes final. If the teacher's hearing is for non-reemployment, and not for dismissal, the teacher's compensation and benefits may continue only until the end of the current contract of the teacher
  9. The order of the procedures shall be:
    - a. Opening statement by the superintendent.
    - b. Opening statement by the teacher.
    - c. Presentation of the superintendent's evidence, followed by cross-examination of witnesses by the teacher.
    - d. Questions by the board members.
    - e. Presentation of the teacher's evidence, followed by cross-examination of witnesses by the superintendent.
    - f. Questions by the board members.
    - g. Presentation of rebuttal and surrebuttal evidence as necessary.
    - h. Closing argument by the superintendent.
    - i. Closing argument by the teacher.
    - j. Deliberation by the board members.
    - k. Vote by the board to accept or reject the superintendent's recommendation and recitation of findings of fact upon which the decision is based.
  10. Presentation and consideration of evidence shall abide by the following:
    - a. Only evidence that reasonably relates to the issues before the board, as reflected in the notice to the teacher, should be deemed relevant.
    - b. Strict rules of evidence as required by a court of law shall not apply in these hearings.
    - c. Rulings on admissibility of evidence will be made by the presiding officer.
    - d. Documentary evidence may be received in the form of copies or excerpts.
    - e. Documentary evidence presented to the board shall be marked with a distinguishing number or letter such as Teacher's Exhibit #1 or Superintendent's Exhibit #1.
    - f. While hearings are open to the public, no questions or statements will be allowed by members of the public attending the hearing except through the parties or their council.

The board of education may convene into executive session to deliberate findings of fact. After due consideration of the evidence and testimony presented at the hearing, the board of education shall vote in open meeting whether

or not to dismiss or non-reemploy the teacher. The board's decision shall include a recitation of the basic or underlying facts relied upon by the board in reaching its decision. The teacher shall be notified in writing of the board's decision by certified mail, restricted delivery, return receipt requested, or substitute process as authorized by law within ten (10) business days of the hearing. The decision of the board regarding a teacher shall be final and non-appealable.

The board of education must forward hearing information concerning teachers to the State Board of Education on a prescribed form available from the administrative office.

#### **E. Termination Based on Reduction in Force**

1. Career teachers and probationary teachers non-reemployed due to a reduction in force shall not be entitled to a trial do novo or any other post-decision review or appeal. The decision of the Board of Education in terminations based on reduction in force is final and non-appealable. Terminations resulting from a reduction in force are not included within the procedures provided by this policy and are not within the Teacher Due Process Act of 1990.

*Adopted by the Board of Education 2-13-92. Revised 4-11-96, Revised 10-13-03, Revised 08-15-11, Revised 11-12-12, Revised 8-11-16 See 70 O.S. § 6-101*

<b>POLICY OF SUPPORT STAFF -EVALUATION</b>
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<b>4625</b>
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All support personnel are evaluated at least once each year prior to May 1st. Evaluation reports will be completed on an approved evaluation form and be followed by a conference between evaluator and staff member. The form will be signed by both.

The evaluation report and plan for improvement, if one is developed, will be filed in the staff member's personnel file.

*Adopted by the Board of Education on 8-15-95.*

<b>SUSPENSION, DEMOTION OR TERMINATION OF SUPPORT EMPLOYEES</b>
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<b>4627</b>
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In order to comply with Title 70 of the Oklahoma Statutes, Section 24-132 through 24-136, the Tahlequah Board of Education hereby adopts the following procedure for the suspension, demotion, or termination of support employees.

- A. For the purpose of this policy, a "support employee" is defined as a full-time employee (defined as an employee employed a minimum of one hundred seventy-two days) of a school district who provides those services not performed by professional educators or licensed teachers which are necessary for the efficient and satisfactory functioning of a school district.
- B. No support employees who have been employed in the Tahlequah school district for one year or more may be suspended, demoted, or terminated except for the causes set out by this policy by the
  1. Superintendent of Schools
  2. Assistant Superintendent
  3. The employee's immediate supervisor, subject to approval by the Superintendent.
- C. Nothing contained in this policy shall prevent the Board of Education from acting on its own volition in matters pertaining to suspension, demotion, or termination of support employees. Nothing in this policy shall be construed to prevent lay-offs for lack of funds or lack of work.
- D. Whenever the Superintendent of Schools is of the opinion that the immediate suspension of a support employee is necessary and in the best interest of the school district, the Superintendent of Schools may suspend the employee without notice or hearing. If an employee is suspended for a period exceeding 10 days, the Superintendent of the district shall initiate proceedings for termination and shall follow the procedures set forth in this policy. However, in a case involving a criminal charge, the suspension may be delayed until the case is adjudicated at trial. Nothing herein shall prevent proceeding against the employee during or after the suspension for termination as provided in this policy.
- E. Prior to any demotion or termination, the support employee shall receive notice of his or her right to a hearing, which, if requested, will be conducted by the Tahlequah Board of Education.

- F. All notices shall be by certified mail, with the postmark used to determine the timeliness of such notice. The support employee must request a hearing within ten (10) working days of said notice or be deemed to have waived his or her right to a hearing.
- G. If the support employee requests a hearing, the hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the Tahlequah Board of Education, if the request is received by the Clerk of the Board at least ten (10) days prior to aforesaid meeting. A special meeting may be conducted if requested by the employee or at the discretion of the Tahlequah Board of Education. The special meeting shall be conducted no sooner than 10 days or later than 30 days after receipt of employee's request.

**THE DECISION OF THE TAHLEQUAH BOARD OF EDUCATION SHALL BE FINAL.**

- A. Support employees have no continuing contract or renewal rights. The procedures of this policy only protect employees who have been employed more than one year immediately preceding adverse employment action and are suspended or discharged during a contractual period of employment, or who are not re-employed at the termination of an employment contract.
- B. In accordance with Title 70 of the Oklahoma Statutes, Sections 6-101.40 through 6-101.47, the Board hereby adopts the following causes for suspension, demotion, termination or non-reemployment of support personnel.
  1. Failure to be at work station at starting time.
  2. Leaving work station without authorization prior to lunch period, or end of work day.
  3. Excessive unexcused absenteeism.
  4. Chronic absenteeism for any reason.
  5. Excessive tardiness.
  6. Wasting time or loitering during working hours.
  7. Leaving work area during work hours, without permission first, for any reason.
  8. Falsification of personnel or other records.
  9. Possession of weapons on the premises at any time.
  10. Removing district property, records or confidential information from premises without proper authority.
  11. Willful abuse, misuse, defacing, or destruction of property, including tools, equipment, or other property of other employees.
  12. Theft or misappropriation of property of employees, students or the district.
  13. Sabotage.
  14. Distracting the attention of others.
  15. Refusal to follow instructions of supervisor.
  16. Refusal or failure to do work assignments.
  17. Unauthorized operation of machines, tools, or equipment.
  18. Threatening, intimidating, coercing, harassing or interfering with employees, supervisors, or students at any time.
  19. Knowingly making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, or students of the district.
  20. Creating disturbances on the premises at any time.
  21. Creating or contributing to unsanitary conditions.
  22. Practical jokes injurious to employees or district property.
  23. Possession, consumption, or reporting to work under the influence of alcohol, prescription medication prescribed for another person, or controlled substances.
  24. Disregard of known safety rules or common safety practices.
  25. Unsafe operation of motor driven vehicles.
  26. Operating machines or equipment without safety devices provided.
  27. Participating in gambling, lottery, or any other game of chance on district property.
  28. Unauthorized distribution of literature, written or printed matter of any description on district property.
  29. Posting or removing notices, signs, or writing in any form on bulletin boards of district property at any time without specific authority of the administration.

30. Poor workmanship.
31. Immoral conduct or indecency including abusive and/or foul language.
32. No personal calls during working hours, except for emergencies. This includes in-coming and out-going calls.
33. Walking off job.
34. Signing in or out another employee's time sheet.
35. Smoking in an unauthorized area or at any unauthorized time.
36. Failure to follow district dress code.
37. Refusal of job transfer within the district, if transfer does not result in a demotion.
38. Abuse of "breaks" (rest periods) or meal period policies.
39. Insubordination of any kind.
40. Contributing to any unlawful behavior of students which includes, but not limited to, alcohol, drugs, or controlled substances.
41. Inability to perform the primary and secondary functions of the job.
42. Violation of district drug-free policy.
43. Failure to meet requirement for Plan of Improvement.
44. Failure to follow safety regulations.
45. Inappropriate and/or unauthorized use of the school district's computer network or Internet connections. (District will annually provide written/printed information to employees on the appropriate and authorized use of its computer network and Internet connections.)

**VIOLATIONS OF ANY OF THE ABOVE SHALL BE SUFFICIENT GROUNDS FOR THE SUSPENSION, DEMOTION, OR TERMINATION OF THE SUPPORT EMPLOYEE.**

*Adopted by the Board of Education on 2-13-92. Revised 9-8-94, Revised 11-14-96, Revised 7-9-98, Revised 7-13-06, Revised 9-13-10*

<b>DUE PROCESS FOR ADMINISTRATORS</b>	<b>4650</b>
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- A. Pursuant to a proposed recommendation that a full-time certified administrator be dismissed or non-reemployed from an administrative position within the school district, the Board will follow this procedure:
1. A written statement will be submitted to the administrator before the dismissal or non-reemployment advising of the proposed action, listing the reasons for the action, and notifying the administrator of his/her right to a hearing before the Board prior to the action.
  2. A hearing by the Board will be granted upon the administrator's request before the Board takes action on the proposal. Such request for a hearing must be submitted to the Board by certified mail, restricted delivery with return receipt requested, no later than ten days after the administrator has been notified of the proposed action.
  3. Upon receipt of the administrator's request for a hearing, the Board will conduct such hearing at its next regularly scheduled meeting or at a special meeting. The failure of the administrator to timely request a hearing after being properly notified will be deemed a waiver of the right to a hearing and the decision of the Board will be final.
  4. Pending final determination of an administrator's dismissal or non-reemployment, the Board or Superintendent may suspend the administrator if it believes that the immediate suspension is in the best interests of the school district. Such suspension will not deprive the administrator of any compensation or benefits to which the administrator may be entitled. The Board will initiate dismissal action within ten days from the effective date of suspension. However, in cases involving a criminal charge or indictment, the suspension may extend to such time as the administrator's case is finally adjudicated at trial.

**REFERENCE: 70 O.S. Section 6-101.10 - 101.15, et seq.**

*Adopted by the Board of Education on 2-13-92. Revised 4-14-14*

<b>REDUCTION-IN-FORCE CERTIFICATED PERSONNEL</b>	<b>4675</b>
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**1. General Matters**

- A. Reasons for a Reduction in Force**

A teacher may be nonreemployed when the board decides that due to:

1. a financial exigency, or
2. a program change for institutional reasons, or
3. a decline in enrollment, or
4. other business necessity as determined by the board, a reduction in teaching staff is necessary

#### **B. Definitions**

For the purpose of this policy, the following terms have the stated meanings:

1. “Financial exigency” means a reduction in the School District’s financial resources resulting from declining enrollment or any other action or event that in the sole judgment of the board of education will result in a reduction in the School District’s current or future operating budget.
2. “Program change” means any elimination, curtailment or reorganization of a curriculum offering, program or school operation or a reorganization or closing of a school or consolidation of two or more individual schools or school districts that is unrelated to financial exigency.
3. “Declining enrollment” means a decrease in the School District’s total enrollment or enrollment in a particular program or curriculum offering which in the sole judgment of the board of education may adversely affect the School District’s current or future allocation of funds and/or the necessity of maintaining certain current or future class sections or curriculum offerings.

#### **C. Criteria for Eliminating Positions**

The primary criterion in effectuating any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the School district. In evaluating its program, the superintendent and the board will consider the elimination of teaching positions, not the teachers occupying those positions. In deciding which positions to eliminate, the superintendent and the board will consider the curriculum, the needs of students and those extra duty assignments that require special skill or expertise. Natural attrition will always be used as the first means of reducing the force.

#### **D. Priority**

In determining which teacher(s) will be nonreemployed when one or more of a number of identical positions is eliminated, the following criteria, in this order, shall govern:

1. Certification: standard, provisional. Temporary (emergency)
2. If the teachers are equal under the above criteria, then the teacher(s) who has the most seniority (**continuous, full-time employment**) in the School District will be retained.
3. Most Experience in the position to be retained.
4. Academic degree status: doctorate, then masters, then bachelors.
5. If the teachers are equal under the above criteria, then the School District will retain the teacher having the most versatile certificate in order to enable the School District to have flexibility in planning future curriculum.
6. If versatility of certificates is equal, the School District will retain the teacher chosen by lot through a process determined by the Superintendent or the Superintendent’s designee in the presence of an authorized representative of the TEA.

#### **E. Bumping**

If a teacher’s position is eliminated and the teacher scheduled to be nonreemployed (after going through the criteria in section “D” above), that teacher may be placed in another position for which the teacher is certified to teach, if the other position is currently held by a teacher who meets the criteria as described in Part D. Under those circumstances, the teacher with the same criteria as in Part D will be employed or permitted to displace another teacher, if eligible. If two (2) or more teachers in a specific position meet the same criteria as Part D then the process of section (D) number 6 will be used to determine which teacher is nonreemployed or permitted to displace another teacher, if eligible.

#### **F. Adult Education Teachers**

The nonreemployment provisions of the Teacher Due Process Act of 1990 do not apply to adult education teachers. Accordingly, adult education teachers are not covered by the protections of this policy and, unless otherwise required by law, are subject to a reduction in force without notice and without compliance with this policy.

## **2. Procedures**

### **A. Action by Superintendent**

The superintendent, upon receipt of the board's preliminary determination of the necessity for a reduction in force, or upon the superintendent's own volition, shall submit to the board the superintendent's written recommendations for terminating particular teaching positions. In making recommendations, the superintendent (1) shall not be limited to considering only positions in the areas or programs designated by the board and (2) shall consult with each principal or other administrator in whose school or unit a position elimination/termination is proposed and (3) shall take into consideration the criteria set out herein.

### **B. Action by Board**

In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation, the board may initiate action without such recommendation provided that it adheres to the other provisions of this policy.

### **C. Notice and Hearing Procedures**

Prior to taking any action to non-reemploy a teacher due to a reduction in force, whether acting on a recommendation of the superintendent or on its own volition, the board shall provide notice and an opportunity for hearing to the affected teacher; provided, however, because the law does not provide nonrenewal hearings for teachers on temporary contracts, no hearing opportunity shall be afforded any teacher on a temporary contract with notice of the expiration of the temporary teacher. The notice and board hearing procedures shall be the same as those provided by Oklahoma law and board policy regarding dismissal and nonreemployment of teachers for cause. Notice of a recommendation of nonreemployment shall be given to the teacher prior the 1<sup>st</sup> Monday in June.

### **D. Hearing**

At the hearing, evidence may be presented by the administration and the teacher, as to (1) whether a reduction in force is reasonably necessary and is being made in good faith and for the best interests of the School District and (2) whether the recommendation to not renew (or dismiss) the specific teacher is being made in good faith and pursuant to the process set out herein.

### **E. Effect of Board Decision**

The decision of the board based on the evidence presented at the hearing shall be final and un-appealable.

## **3. Reemployment or Other Employment after Reduction in Force**

### **A. Recall**

The recall provisions in this process will only apply and be available to a teacher who meets the criteria in Part D. For one school year after the effective date of nonreemployment due to a reduction in force, the board of education shall not fill the specific position previously held by a teacher who was nonreemployed due to a reduction in force without first offering such position to the nonreemployed teacher. If more than one nonreemployed teacher is both certified and qualified for a position which the teachers previously held with the School District and which becomes available, the board will best fill the position. Nothing in this policy shall give to any nonreemployed teacher priority rights to fill a vacancy which becomes available and for which they are certified and qualified unless such position is identical to the position which they previously held with the School District.

### **B. Recall Procedures**

The offer of reemployment shall be made personally or by certified mail, return receipt requested, and the teacher shall be notified that if he/she wishes to accept, he/she must do so in writing within five (5) calendar days of receipt of notice or within ten (10) calendar days of the postmark on the envelope in which the offer is mailed, whichever is shorter. Failure to receive timely acceptance of the offer of reemployment eliminates all reemployment rights of the teacher.

### **C. Status After Recall**

A career teacher who has been non-reemployed and who is then reemployed within one school year shall be reinstated as a career teacher. A probationary teacher who is nonreemployed but is then reemployed within one school year shall be given credit for the time already served as a probationary teacher for the purpose of determining eligibility for career teacher status.

**ADMINISTRATIVE INTERN POLICY****4700**

The intern program is designed to provide training and development for qualified teachers who are interested in the administrative field and are prospective candidates for future administrative positions.

- A. The following are the specific objectives of the program:
  - 1. To introduce the intern to administrative skills through practical application of these skills.
  - 2. To acquaint the intern with the organizational divisions and responsibilities of the divisions.
  - 3. To assist the intern in gaining a workable knowledge of school office procedures.
  - 4. To introduce the intern to the evaluation and supervision skills used with certified and classified staff.
- B. Candidates applying for the intern position are required to have the following qualifications:
  - 1. Must hold a standard Oklahoma certificate and be employed by the district at the time application is filed.
  - 2. Must have completed at least one (1) successful school year in the district at the time application is filed. (Applicant cannot begin internship before completing two (2) successful school years in the district.)
  - 3. Must have completed hours toward a master's program or completed administrative certification requirements.
- C. All candidates for the intern program must have completed a written application.
- D. Intern candidates will be selected by an administrative team for recommendation to the Board of Education for the designated school year. Selection does not provide the intern with any assurance that the assignment will continue beyond the school term for which assignment is made.
- E. Interns will be evaluated by the supervisor.
- F. Interns will remain on the classroom teachers' salary schedule and will be eligible for career status and earned salary steps.
- G. Interns may be required to attend in-service training in leadership assessment, evaluation and supervision of teaching and curriculum.
- H. Salary adjustments and length of contract will be adjusted according to the intern's assignments and responsibilities.

*Adopted by the Board of Education on 6-25-97.*

**USE OF TELECOMMUNICATION DEVICE****4703**

With the exception of school-related emergencies, teachers and other classroom instructional staff are not to use cellular or other communication devices during student instructional time or when supervising students during the regular school day.

*Adopted by the Board of Education on 9-12-05. Revised 7-13-06*