

4.1.0.0.0 General Policies Governing School District Employees

Except as specifically noted herein, policies in this section (4.1.0.0.0 et seq.) shall generally govern all personnel employed by the Board. Policies in this section shall generally exclude personnel covered under Policy 4.2.0.0.0 et.seq. (classroom teachers, counselors, librarians, nurses and such other certificated personnel as may be included by resolution of the Board) and certain collective bargaining agreements, except where applicability is of such a broad and inclusive nature as to be obvious or where legal requirements are such as to make the policy universally applicable.

4.1.0.1.0 Employee Professional Practice

It is the policy of the Kansas City, Kansas Board of Education that ALL EMPLOYEES treat each other with dignity and respect and that each person will also be treated as a valued asset to the district. Common courtesy is the valued norm.

.1.1 Conflict Resolution Strategies

Individuals who experience negative interpersonal interactions should initiate good conflict resolution strategies such as:

- a. Initiating face to face discussion with persons directly involved;
- b. Initiating fact finding discussions;
- c. Seeking common ground;

4.1.1.0.0 General Non-Discrimination Policy

The Kansas City, Kansas School District does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap or disability in the administration of any employment initiative, including hiring, firing, termination, disciplinary procedures, or other related programs and activities.

Disabled individuals shall have equivalent enjoyment of the programs, services, facilities, privileges, advantages or accommodations of any facility owned, leased or operated by the district.

Pursuant to Title IX of the Education Amendments of 1972, the Kansas City, Kansas School District does not discriminate on the basis of sex in any education program or activity, including programs, services, facilities, privileges, advantages or accommodations in facilities.

Regardless of the means selected for resolving the complaint, the initiation of a complaint of alleged discrimination will not cause any negative reflection on the complainant nor will it affect his/her access to the programs, activities, services, facilities, privileges, advantages or accommodations in facilities, provided by the Kansas City, Kansas School District.

.1.0 Employee Right to Rely on Policy

The Board shall not discriminate in any way, including conditions and terms of employment, against any employee because of any employee's exercise of the rights granted in the Policies of the Board of Education.

.2.0 Affirmative Action

The Board will utilize affirmative action strategies when necessary to achieve prompt and full utilization of minorities, the handicapped, women and other protected classes at all levels and in all segments of the work force. The necessity for such strategies shall be reviewed at least annually to achieve these stated objectives.

.3.0 Non-Discrimination in Recruitment

Recruitment of applicants for employment shall be without discrimination as to race, religion, color, sex, age, national origin, handicap, or disability.

.4.0 Employment Discrimination Complaints

Any complaint by an applicant for employment or an employee concerning equal employment opportunity or discrimination may be presented to the Non-Discrimination Coordinator so designated by resolution of the Board of Education or may be processed as a complaint in accord with Board policies.

.5.0 Non-Recognition of Discriminatory Organizations

The Board shall make no agreement with or recognize any organization of employees which shall in any way limit its membership or which in any other respect discriminates on the basis of race, religion, color, sex, age, national origin, handicap, or disability or which fails to represent equally and in a fair manner all persons who meet other reasonable membership requirements and who wish to be so represented.

.6.0 Sexual Harassment

The Board of Education is committed to providing an environment free from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Sexual harassment by and of school district employees and students is prohibited.

.6.1 Sexual Harassment - Definition

It shall be a violation of school district policy to harass another employee sexually, to permit the sexual harassment of an employee by an employee or a non-employee, or to harass or permit the harassment of a student sexually. Sexual harassment may take many forms, including, but not limited to:

- .6.1.1 Verbal harassment or abuse including unwelcome sexually oriented communication;
- .6.1.2 Subtle pressure or requests for sexual activity.
- .6.1.3 Persistent, unwanted attempts to change a professional relationship to a personal one-
- .6.1.4 Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another person's body;
- .6.1.5 Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or a student's status;
- .6.1.6 Requesting or demanding sexual favors accompanied by an implied or overt promise of preferential treatment with regard to an individual's employment or a student's status; or
- .6.1.7 Sexual assault.

.6.2 Sexual Harassment Complaint - Procedure

- .6.2.1 Any person who believes he or she has been subject to sexual harassment should follow these procedures-
- .6.2.2 If an aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the employee should contact his or her principal or supervisor or the offending person's principal or supervisor, or the Assistant Superintendent for Personnel or a Non-Discrimination Coordinator.
- .6.2.3 An aggrieved person alleging (1) sexual harassment by anyone with supervisory authority or (2) the failure of a supervisor to take immediate action on the complaint should communicate with the Assistant Superintendent for Personnel or the Non-Discrimination Coordinator in the Central Office or the Superintendent of Schools or follow the Complaint Resolution procedure outlined in the personnel policies (4.1.15.0).

.6.3 Sexual Harassment - Investigation and Resolution of Complaints

Allegations of sexual harassment shall be investigated and, if substantiated, corrective or disciplinary action taken. Sexual harassment by an employee may constitute grounds for termination.

.6.4 Sexual Harassment Complaint - Assurance of Non-retaliation

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect his or her employment, compensation or work assignments (See 4.1.1.1 Employee Right to Rely on Policy.)

4.1.2.0.0 Continuity of Policies and Legal Foundations

All policies, rules and regulations of the Board relating to all general terms and conditions of employment of any employee holding an employment contract shall remain in full force and effect until changed by mutual agreement between the employee and the Board until the end of the contract period of termination of employment.

.1.0 Priority of Special Agreements

Terms of any contract or employment agreement establishing special provisions for any individual or group of employees other than those contained in the policies of the Board shall take precedence over standard policy provisions of the Board for the specific period of time included in such agreement or contract. Thereafter, in the absence of specific renewal, extension or revision of such special terms or conditions by the Board, all such agreement or contract provisions shall be void and continuation of employment shall be based upon policy provisions as contained in these policies.

.2.0 Conflicts with Law

Any employment policy of the Board or any employment agreement or contract or any portion thereof which is contrary to state or federal law shall be void.

.3.0 Omission of Lawful Requirements

Failure to include in the specific policies of the Board any limitations, obligations or other regulations which may be established by law or action of a court of competent jurisdiction shall not void nor diminish the obligation of any employee for the conformance to such law or decision. Neither shall failure to include specific and detailed requirements for conduct and the competent performance of the services required in the position for which an individual is employed relieve the employee of the obligation to meet generally accepted standards of performance and conduct appropriate to the position.

.5.0 Supremacy of Law and Constitution

Any term or condition of employment or any employment contract provision, agreement or policy which is in conflict with state or federal laws or constitutions or in conflict with implementing official state or federal rules, regulations or guidelines shall be void to the extent of such conflict.

4.1.3.0.0 Terms and Definitions Relating to Policies Governing Employees

.1.0 Terms Uniformly Applicable

All terms defined in Policy 4.1.3.0.0 shall uniformly be applicable in Sec. 4.1.0.0.0 et seq., except as specific exceptions are made in Sec. 4.1.0.0.0

.2.0 Special Terms Relating to Sec. 4.1.0.0.0 are defined as follows:

.2.1 The District: Kansas Unified School District No. 500

.2.2 The System: Kansas Unified School District No.500

.2.3 The Board: The Board of Education of Kansas Unified School District No. 500

.2.4 The Superintendent: The Superintendent of Schools of Kansas Unified School District No. 500

.2.5 Teacher: All certificated personnel employed by the Board on the Classroom Teachers' Salary Schedule. This definition includes, while not excluding others, classroom teachers, counselors, librarians, and nurses.

.2.6 Administrator: All certificated personnel employed by the Board on the basis of a Kansas Administrator's Certificate or whose salary is based on the salary schedule for administrators.

.2.7 Contract (of employment): The specific written document stipulating terms of employment as agreed between the Board and the employee.

.2.8 Employee. Any person employed by official action of the Board for the performance of duties agreed upon.

.2.9 Working Day: Any day on which an employee is required to perform assigned duties unless excused under terms of specific policies governing leaves of absence or vacation.

.2.10 Paid Holiday: Any working day on which a group, class, or all employees are not required to perform assigned duties but for which such employees are paid.

.2.11 School Year: That period time when school is in session as set forth in the school schedule and falling between August 1 and July 31.

.2.12 Assignment: The designation of the specific position in which an employee will perform services.

.2.13 Reassignment: A change in assignment within the district.

.2.14 Transfer: The movement of an employee from one primary work location or building to which the employee reports for duty to a different primary work location or building to report for duty.

- .2.15 Promotion: The reassignment of a staff member to a position bearing greater responsibility as reflected in special salary recognition either through movement to a new salary schedule or class or through payment of special salary differentials not directly related to time requirements.
- .2.16 Non-Working Days: All days on which the employee is not required to be on duty and for which no salary is paid.
- .2.17 School Schedule: As used herein, the series of dates and times for the occurrence of specific activities and events within the school year as approved by the Board.

4.1.4.0.0 Employee Recognition and Services

The Board recognizes and holds that employment of any individual by Unified School District No. 500 establishes a special responsibility for such individual because of the *parens patriae* role of the district with respect to all students. Every employee shall be expected to maintain exemplary standards of conduct and performance of duty with respect to any association or contact with students and with respect to any action which may reasonably be expected to affect the physical or mental well being of students.

.1.0 Lines of Responsibility

With respect to general direction and performance of duties, every employee except the executive officer of the Board shall be directly responsible to an administrative staff member and ultimately to the Superintendent of Schools.

.2.0 Administrator Responsibility for Assignment of Duties

Specific assignments of duties and responsibilities as required to serve the best interests of the district shall be made by the responsible administrative staff member subject to the limitations and general direction of the Board as expressed in its policies or by official action at a lawful meeting.

4.1.5.0.0 General Employment Policies and Practices

.1.0 Recruitment and Selection of Employees

.1.1 Sources of Employees

To the extent possible, recruitment of new employees shall be conducted on an open basis from all sources appropriate to the positions to be filled and from such sources as may serve the best interests of the schools of the district. Any vacant position may, without limit, be filled by promotion, transfer, or by employment of new and qualified staff members.

.1.2 Written Application Required

Any applicant for employment by the district shall be required to submit a written application on such forms as are provided by the district for the position sought.

.1.3 Minimum Standards and Qualifications

Any applicant for any position may be requested to demonstrate by test or other evidence the ability to perform the tasks required in the position to be filled. Where appropriate, evidence of educational and training programs completed shall be given due consideration. Records of performance and service in prior employment shall be given consideration and where necessary because of law or regulation, official certification, licensing or accreditation by an appropriate agency shall be required.

.1.4 Personal Interview

Whenever possible, recommendation of employment shall be preceded by a personal interview conducted by the staff member responsible for making the recommendation of employment.

.1.5 Physical Examination

.1.5.1 Before commencement of any services subsequent to employment, any individual employed by the Board may be required to submit certification by

a licensed physician verifying that the physical condition of the employee is such as to permit full performance of all duties for which the individual is employed.

.1.5.2 Any required statement of physical condition shall fully state any limiting condition or handicap which may impair the performance of services or which may endanger the health or welfare of any student or employee.

.1.5.3 Any employee in any position for which physical examination or verification of health is required by law or governmental regulations shall provide such certification as required prior to commencement of duties.

.1.6 Administration of Background Investigations

NOTE: This policy sets out the requirements for reviewing the qualifications and/or suitability of applicants seeking employment with the district.

.1.6.1 Components

The background investigation shall include information on the individual's criminal or civil convictions, previous employers, educational institutions, and professional and/or personal references. If the individual is seeking employment in a position requiring, to any extent, the operation of a USD 500 vehicle, the investigation shall further include information and a history of that individual's driving record.

.1.6.2 Effect of Misrepresentation and Adverse Information

If the background investigation discloses that an individual has misrepresented statements in his/her application form or if information is produced indicating that the individual is not suited for employment with the district, the individual will be refused employment.

.1.6.3 Effect of Prior Convictions

A prior conviction, taken by itself, will not necessarily disqualify an individual from employment with the district. Each incident will be evaluated on a case-by-case basis.

.1.6.4 Employee's Right to Review Background Information

An individual, upon written request, may review the results of a background investigation and may further make written explanations or corrections to the resulting records.

.1.6.5 Confidentiality of Background Investigation Information

Information obtained during a background investigation shall be maintained in the strictest of confidence and will not be shared with outside parties or agencies unless authorized by court order or other state or federal statute, rule, or regulation.

1.6.6 Background Investigations.

1.6.7 Persons seeking employment with USD No. 500:

As a condition of initial employment, all applicants seeking employment with the district shall be subject to a background investigation in accordance with the following provisions.

Persons seeking employment with USD No. 500 shall only be offered provisional employment pending receipt of the results of a background investigation. Any contract or letter for provisional employment offered to an applicant is subject to termination by the Board of Education, without further proceedings and without reference to any other law or contractual arrangement, if the results of the background investigation reveal that the applicant has been convicted of any offense or attempt to commit any offense specified in K.S.A. 1999 Supp. 72-1397, and amendments thereto or engaged in any

other conduct deemed to be inconsistent with or contrary to the expectations for the position for which the applicant is seeking employment. Contracts or letters of provisional employment must contain language indicating that such employment may be terminated by the Board of Education, without further proceedings and without reference to any other law or contractual agreement, if the results of the background investigation reveal that the applicant has been convicted of any offense or attempt to commit any offense specified in K.S.A. 1999 Supp. 72-1397, and amendments thereto or conduct deemed to be inconsistent with or contrary to the expectations for the position for which the applicant is seeking employment.

1.6.8 Costs of background investigation:

The district shall pay the costs of the background investigation required under this policy.

.2.0 Appointment

.2.1 Appointment by Board

Employees of the Kansas City, Kansas Public Schools shall be appointed by the Board upon recommendation by the Superintendent and subject to receipt of favorable information acquired in accordance with procedures established for criminal records history checks and/or background investigations .

.2.2 Appointment Not by Assignment

Appointment of employees by the Board shall constitute appointment only as an employee of the district and shall not constitute appointment or assignment to any specific building, school, rank, grade, position or task.

.2.3 Agreement on Terms of Employment

Appointment shall be in accord with the specific salary and other economic terms agreed upon and approved by the Board.

.2.4 Initial Employment and Salary Classifications

All new employees shall be classified for salary purposes by the Superintendent in compliance with the policies of the Board at the time of election to a position in the Kansas City, Kansas Public Schools by the Board.

.3.0 Qualifications of Employees for Appointment

.3.1 Evidence of Qualifications Required

All persons recommended for employment by the Board shall have provided verification of training and/or experience or other evidence of competency in the skills required in the position in which appointment is made.

.3.2 Emergency Exceptions

Temporary assignments may be made for persons being trained for a position when fully trained and qualified applicants are not available. Such temporary training employment may be terminated at any time without prior notice to the employee.

.3.3 Certification Where Required by Law

All persons recommended for employment as professional staff members shall meet at least the minimum requirements for certification in the state of Kansas for the position to which they are assigned. Temporary assignments may be made only when properly certificated and qualified applicants are unavailable.

.4.0 Official Personnel Records

.4.1 Contents of Records

The employee's official personnel record shall consist of the following:

- (a) Employment application
- (b) Statements of reference and recommendation
- (c) Official transcripts
- (d) Required certificate or license
- (e) Required medical information
- (f) Employment information, i.e., social security number, birth certificate, photograph.
- (g) Copy of annual contract (where applicable).
- (h) Evaluation reports
- (I) Correspondence
- (j) Other pertinent matters related to employment
- (k) Documents establishing the employee's place of residence.
- (l) Documents evidencing disciplinary actions

.4.2 References a Closed File

Statements of reference and recommendations relating to employment and promotion shall not be open for examination to the employee.

.4.3 Location of Records

Records comprising an employee's official personnel records shall be located in the central administrative offices of the Board.

4.4 Employee Obligation to Update Personnel File

It is important that the personnel files of USD No. 500 employees be kept up-to-date at all times. Part of the responsibility for this task rests with each employee. Therefore, each district employee should advise the Personnel Office whenever:

1. he/she changes an address or telephone number;
2. he/she legally change his/her name;
3. he/she wants to change their beneficiary under the group insurance plan;
4. he/she is convicted of any felony; or
5. he/she is convicted of a misdemeanor involving drugs, weapons, sexual misconduct, physical violence, theft or dishonesty.

.4.5 Employee Access to District Personnel File

All material compiled in an employee's official personnel file during the period of employment, shall be available for inspection by the employee during regular hours of the Personnel Office. Excluded from the employee's inspection shall be any references gathered as a result of the employee applying for another position within the district. The employee may obtain, upon written request, a copy of material in his/her file not excluded from his/her inspection. At the employee's option, a person of the employee's choosing may accompany the employee for inspection. At the option of the administration, a Personnel Office employee may be present during the inspection by the employee.

.4.6 Employee's Right to Respond

The employee shall have the right to respond to any material subject to inspection in his/her personnel file. Such response shall be affixed to the material and placed in the employee's file.

.5.0 Employment of Relatives

Hiring the best-qualified applicants available for all employment openings is the district's primary policy. A member of an employee's immediate family will be considered for employment by the district if the applicant possesses all of the qualifications for employment. However, if the employment creates a supervisor/subordinate relationship between the employees, hiring a member of an employee's immediate family will not be allowed.

.5.1 Immediate Family Defined

For purposes of this policy, "immediate family" includes the following- the employee's spouse, brother, sister, parents, children, step-children, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew, niece, and any other member of the employee's household.

.5.2 Application Process

All job applicants will be asked whether they have relatives who are present employees. Those answering "yes" will be questioned on the relationship and will not be hired in violation of this policy. Any employee found to have falsified his/her answer to this inquiry will be terminated.

.5.3 Current Employees Who Marry

Current employees who marry other current employees will be allowed to continue employment if such employment does not constitute a supervisor/subordinate role.

.5.3.1 Non-Contract Employees

If a supervisor/subordinate role exists, and both are non-contact employees, the district will attempt to find a suitable position within the district to which one of the affected employees may transfer. If this accommodation is not feasible, the employees will be permitted to determine which of them will resign. If resignation is declined, termination will be initiated in accordance with existing policies.

.5.3.2 If a supervisor/subordinate role exists, and one employee is a contract employee, either employee may be reassigned a position within the district. If no transfer is feasible, one employee must resign or the non-contract employee will be terminated in accordance with existing policies.

.5.3.3 Contract Employees

If a supervisor/subordinate role exists, and both are contracted employees, one of the affected employees shall be transferred to a suitable position within the district as soon as feasible.

4.1.6.0.0 Assignment, Transfers and Promotion Practices

.1.0 Assignment and Transfer of Employees

All assignment of employees to specific positions shall be an administrative responsibility delegated by the Superintendent to appropriate administrative staff members. Except where otherwise specified in policies relating to specific departments, assignments and transfer of all personnel shall be the direct responsibility of the appropriate executive officer of the Board.

.1.1 Initial Assignment

When feasible, the initial assignment may be made at the time of employment. However, as needs change within the school district, the employee may be reassigned or transferred to meet those needs.

.1.2 Reassignment

Reassignment is a change in assignment within the district.

- .1.2.1 Specific assignments within the same primary work location or building and within the same general classification may change from year to year as the needs of the district change. When feasible, a reassignment shall be discussed by the immediate supervisor with the staff member involved.
- .1.2.2 Reassignments may be made upon the written request of the staff member to the immediate supervisor. The application shall set forth the reasons for the reassignment request and the applicant's qualifications, if necessary.
- .1.2.3 The applicant may request and if requested shall be granted a conference with the immediate supervisor to discuss the reassignment.

.2.0 Assignment Criteria

Assignment shall be made in accordance with abilities and qualifications demanded of the individual employee for the performance of duties required in the particular position and the degree to which said employee or applicant exhibits such abilities and qualities.

.3.0 Transfer

Transfers of employees shall be based on policies and administrative guidelines applicable to the district; and shall be made in accordance with abilities and qualifications demanded of the individual employee for the performance of duties required in the particular position and the degree to which said employee exhibits such abilities and qualities.

.4.0 Assignment and Transfer Based on Race

A positive effort shall be made to bring about the employment of an integrated work force in all areas. In making assignments and transfers to achieve a racially integrated work force, special care shall be exercised to assure maintenance of competent and efficient service in all locations.

.5.0 Promotions Through Transfer

.5.1 Promotion Defined

As herein used, promotion shall be understood to mean the reassignment of a staff member to a position bearing greater responsibility as reflected in special salary recognition either through movement to a new salary schedule or class or through payment of special salary differentials not directly related to time requirements.

.5.2 General Promotion Rules

Promotions within any department shall be based on procedures, rules, and regulations established for the specific department.

- .5.2.1 Any vacancy in any position shall be filled on the basis of fitness for the

position in terms of training, experience, personal qualities, demonstrated abilities and the recommendations of persons in position to evaluate the performance potential of the candidate.

.5.3 Promotion Request

Any employee may transmit to the appropriate supervisory or administrative officer a request to be considered for promotion to another position. Such request shall be in writing and shall stipulate the nature of the position sought and the special qualifications or abilities held by the applicant which are relevant to the position.

4.1.7.0.0 Duties and Responsibilities

.1.0 Residence Requirements

Any employee of the school district shall be presumed to reside at such location as will permit full compliance with all time schedules and schedules required in the performance of duties assigned. No individual employee shall be excused from performance of duties because of travel distances, inclement weather or other condition affected by location of residence.

Other specific requirements relating to residential status are applicable to specific employee groups as established in other portions of these policies.

All administrative and supervisory personnel are strongly urged to maintain official residence within the district. Such residence may be considered as a factor in employment and promotion of administrative and supervisory personnel.

.2.0 Terms of Employment

Employment of any individual, unless otherwise specified upon employment or by law, shall be presumed to be continuous until such time as the employee resigns or retires or is terminated by specific action of the Board.

.2.1 Emergency Closing Days

Whenever a school, office, or other facility is closed by order of the Superintendent for causes beyond the control of the Board, all employees other than contracted teachers shall report for duty on the basis of specific rules established for the office or departments and the conditions requiring the closure. Release from duty on such days is not automatic for administrative, custodial, clerical, maintenance, public library, supervisory or other staff members not included under Sec. 4.2.0. et. seq. of these policies. Specific rules governing food service and pupil transportation shall be approved by the Superintendent.

.2.3 Salary Deduction for Absences

For all employees paid on a contract basis, salary deductions for absences shall be based on the amount of the contract divided by the number of days stipulated in the contract. All daily or hourly rate deductions shall be at the employee's regular daily or hourly rate.

.2.4 Holidays

Holidays on which all employees are excused from duty shall be approved annually by the Board and specified in policy 6.1.1.1.0. Establishment of School Schedule

Additional holiday time may be by special approval of the Board, or up to ½ day, by approval of the Superintendent.

.2.6 Vacations

See 4.1.20.13.0

.3.0 Time Schedules

Time schedules of employees shall be as provided in these policies or by general work rules for various classes of employees. Such schedules shall comply with relevant state and federal laws and with the terms of such agreements as may be made with individuals or classes of employees under the terms of Kansas laws.

.3.1 Working Day

Every person employed by the Board shall perform such services as may be required by the Board during the hours and period of time for which salary is paid. Such assignment of duties shall be made by the responsible administrative officer and shall generally conform to the requirements of the position held by the employee.

.3.2 Emergency Duty Mandatory

Performance of necessary duty at any hour and on any day shall be mandatory in event of any condition declared to be an emergency by the superintendent or his designated representative. Compensation for such additional duty shall be in accord with established salary scales.

4.1.8.0.0 Probationary Employment and Continuing Employment of Employees

.1.0 Probationary Status

Except as provided in the laws of Kansas or by written contract agreement with the Board, no employee is guaranteed rights or permanency in position extending more than ten days beyond the date on which final notice of termination of employment is served upon the individual employee. Special probationary status provisions following initial employment are applicable to certain classes only as provided by law or the policies of the Board applicable to the individual employee or class of employees.

.2.0 Continuous Employment

Employment of all full-time employees shall be considered as continuing and shall not require annual or other periodic action by the Board.

.3.0 Special Agreements for Temporary Employment

Special provisions governing part-time and temporary employees shall be agreed upon at the time of employment.

4.1.9.0.0 Evaluation of Employee Job Performance

A general procedure for evaluation of job performance of all employees shall be developed through administrative guidelines subject to review of the Board.

.1.0 Certificated Employees

Policies governing evaluation of certificated employees shall be as outlined in special sections of these policies and as adopted in accord with the laws of Kansas.

.2.0 Responsibility for Evaluation

Guidelines shall provide that responsibility for evaluation of job performance shall rest with the immediate superior of the individual employee being evaluated.

.3.0 Confidential Records

Evaluations and evaluation records shall be confidential, made in written form, made available to the person being evaluated and subject to such comments as may be appended by the evaluatee in written form.

.4.0 Access to Records

Evaluations shall be open to the evaluatee, administrative and supervisory staff members having a legitimate need for such information, the Board, and to such persons as the evaluatee may direct or as the law may require.

.5.0 Evaluation Criteria

Evaluations shall be based upon such factors as may bear upon the effectiveness of service and appropriateness of behavior of the employee in a public school system serving educational needs of minor children.

.6.0 Availability as Work Record

Evaluation should be open to the appropriate staff member of any firm or school system to which the employee applies for employment except that the employee may direct that such evaluations shall not be released in which case the prospective employer shall be so notified.

4.1.10.0.0 Separation From Service

.1.0 Separation Due to Resignation

Unless otherwise provided by contract or specific policies of the Board affecting a specific class of employees, any employee who does not desire to continue in service may resign by providing written or oral notice to the employee's immediate superior.

.1.1 Written Notice of Resignation

Any such notice shall be provided in writing no less than ten working days prior to the anticipated date of termination of service. Failure to provide such notice shall result in loss of any accumulated vacation time and any other benefits other than earned wages which may have been accumulated by the employee.

.1.2 Verbal Resignation

Any employee who verbally notifies his/her supervisor or a responsible administrator that he/she will discontinue services to the district and who fails to report for regular duty thereafter shall be presumed to have resigned and such resignation shall be accepted and will become effective immediately. The resignation shall be presented to the Board in accordance with established procedures and notice of the Board's action shall be mailed to the employee at the last official address filed by the employee with the District. The Board's action shall be deemed final.

.1.3 Resignation Final

Any resignation submitted to the employee's superior shall be accepted and no resignation submitted to the employee's immediate supervisor may be rescinded, withdrawn or retracted except by authorization of the Board.

.2.0 Separation Due to Staff Reduction

Reduction in the number of employees in any given class of employees due to a general retrenchment, closing of schools, or termination of a service or activity and which requires the termination of services of any number of employees shall be done in such manner as will be fair and equitable to the employees affected and shall generally be based on factors relating to length of service, but shall also preserve the right of the Board to be essential to efficient operation of the district.

.2.1 Staff Reduction Transfer

Where possible, an employee affected by staff reduction and whose work record is satisfactory shall be provided an opportunity to transfer to other open positions for which he/she is trained and qualified. It shall not be the obligation of the Board to provide such training. Failure to accept a transfer to another position shall void any further employment rights which the employee may enjoy and employment shall be terminated.

4..11.0.0 Disciplinary Action

.1.0 Defined

Except as otherwise provided in policies relating to specific classes of employees, disciplinary action is defined as any action taken by the Board or by a responsible supervisor of any employee as a result of any actual or alleged action or failure to properly act on the part of the employee and which may be a factor in the suspension, termination, non-renewal or other specific diminution in the benefits of the employee and which is recorded and made a part of the specific work record of the employee. Informal discussions or suggestions for work improvements not subsequently made an action of record shall not be considered a disciplinary action. Conduct for which

disciplinary action may be taken includes, but is not limited to the activities described in administrative guideline 4.1.11.0.0.A.

.2.0 Written Reports

Any written letter of notification of reprimand and any report of a disciplinary conference shall be considered a disciplinary action and shall be made a part of the personnel file of the employee.

.3.0 Employee Notification and Response

A copy of any written report of disciplinary action shall be given to the employee and the employee shall have the right to file with the report a statement of clarification or refutation. Any complaint against an employee shall promptly be called to the attention of the employee. Any complaint not called to the attention of the employee shall not be used as the basis for any disciplinary action against the employee.

.4.0 Prior Discussion

No disciplinary action shall be taken against any employee until the cause for and nature of the action have been discussed with the employee.

4.1.12.0.0 Suspension, Non-Renewal, Termination

. 1.0 Suspension from Duty

. 1. 1 General Conditions

Any employee may be temporarily suspended from duty by the Superintendent or a designated representative of the Superintendent as a disciplinary measure for violation of the statutes, regulations, policies or rules governing employment; violation of work rules or inadequate performance of duties; because of an apparent physical or mental disability which interferes with the performance of duties; as a preliminary action to termination of employment or dismissal; when the continued presence of the employee may endanger the well being of students or other employees or the security of district property or for any other reason which could result in the termination of employment of the employee.

.1.2 Right of Appeal

Any employee suspended from duty shall have the right to appeal such suspension through the complaint procedure to determine the presence of just cause for such suspension. Any such complaint shall be filed initially at Level II.

.1.3 Salary Payments During Short-Term Suspension

When the suspension is for disciplinary reasons and for 11 working days or less, payment for salary for such days may be withheld upon order of the Superintendent or his designated representative. When suspension is for reasons of health, payment of salary shall also be withheld except that earned disability leave shall be paid.

.1.4 Salary Payments Preceding Termination

Temporary suspension from duty may be made as a preliminary action preceding termination of employment by the Board except that in the event of termination of employment, the employee shall be paid not less than ten days' wages following suspension and notification of intent to recommend termination of said employee's services for reasons other than cause.

.3.0 Termination of Employment by the Board

Except as provided by law, written contract, special policies governing certain classes of employees or by lawfully negotiated agreements under terms of Kansas law, employment of any individual employee may be terminated by the Board upon recommendation of the Superintendent.

.3.1 Notice of Termination

Any employee whose termination of employment is to be recommended to the Board by the Superintendent shall be given proper written notice of such intent sent via certified and regular mail to the last resident address filed with the district by the employee.

.3.2 Terminal Pay

Any employee whose services are terminated by the Board for something other than cause shall receive compensation for not less than ten days employment subsequent to receipt of proper notice of the Superintendent's intent to recommend termination or the commencement of suspension of services, whichever occurs first.

.3.3 Termination Review by Board

Any employee whose services are terminated may request and will be granted an opportunity to present his/her views to a committee of Board members who may consider and recommend to the Board such action they may deem proper. Such review shall not change or extend compensation of any employee who has been suspended from duty. Any request for termination review shall be filed in writing with the clerk of the Board within ten (10) days of the date of notification of termination of employment. Time and place of the hearing shall be established by the Board.

.3.4 Board Decision Final

The decision of the Board in all cases of termination shall be final except as provided by law for specific classes of employees.

4.1.13.0.0 Rules, Regulations and Policies Governing Activities of Employees

.1.0 Employee Training and Skill Development

.1.1 Employee Responsibility for Self Training

Responsibility for development of skills and qualifications necessary for employment and continuation in any position in the district rests with the individual employee. It shall be the responsibility of the employee to maintain and develop such skills and knowledge as may be required to meet changing requirements due to technical

advancements and modification of the arts associated with the position involved.

.1.2 Board May Offer Training

When significant changes in required job skills takes place, the Board may offer training programs for affected employees, but assumes no obligation to do so.

.2.0 Outside Job-Related Gainful Employment and Services

.2.1 Services Preempted by District

Full-time employment by the Board (30 hours per week or more) presumes the preemption of services of the employee by the district. Engagement in outside employment is limited by the following provisions.

.2.1.1 At no time shall outside employment be permitted to interfere with the availability or effectiveness of the employee in the performance of services to the district.

.2.1.2 Any professional service to be rendered to any agency, organization, school or other employer for a fee or gratuity by any administrative or supervisory staff member shall require prior approval by the Superintendent.

.2.2 Services to Board Members and Supervisory Staff Prohibited

No employee of the district in any job classification shall perform any gainful personal work or service as an employee or in any other gainful capacity, or in anticipation of any benefit, gratuity or emolument for any member of the Board, for any administrator or supervisor or any other employee who may be considered as an administrator or supervisor. Neither shall such services be provided to said Board or staff members on any other basis except as a limited exchange of services among personal friends or within a family.

.3.0 Travel to Represent Board of Education Interests

Authorization to represent the district at a convention, meeting or conference requiring an overnight stay is granted by the Board on recommendation of the Superintendent. Authorization to represent the district at other local and regional meetings may be granted by the Superintendent or his designated representative.

.3.1 Travel Mode and Rate

Persons authorized to travel at Board expenses should adhere to administrative guidelines.

.3.1.1 Arrangements for travel shall be by the most economical mode consistent with the available time, distances involved and the needs of the district.

.3.1.2 Travel by personal automobile will be reimbursed at the official mileage rate established by the State of Kansas when this mode of travel is approved by the Superintendent or appropriate assistant superintendent.

.3.1.3 Schedules shall be based on arriving and leaving as near as possible to the beginning and ending of convention or business meeting, unless otherwise approved by the Superintendent or appropriate assistant superintendent.

.3.2 Expense Reimbursement

Expenses approved for reimbursement are subject to administrative guidelines and the following limits:

.3.2.1 Hotel expenses - receipted statement to be attached.

.3.2.2 Meals up to and including \$25 per day of convention or business meeting and time in transit. Meals in excess of that amount shall be based on submission of receipts and may be allowed only when such expenses are a part of the convention program or meeting costs.

.3.2.3 Miscellaneous expenses such as taxi, tips, etc., in accord with administrative guidelines.

.3.2.4 Registration reimbursed to a maximum of \$25 per person per convention or business meeting unless otherwise approved by the Superintendent or appropriate assistant superintendent.

.3.2.5 Transportation (train or plane fare paid personally) or mileage at the official mileage rate established by the State of Kansas. Receipted statement to be attached for any fare paid personally.

.3.3 Ticket Authorization and Purchase

Arrangements for authorized ticket purchases and direct Board payment may be made in accord with administrative guidelines through the following agencies:

Jerry Burke Travel Service
International Tours (Kansas City, Kansas)
American Travel

.5.0 Professional Department

.5.3 School and Workplace Violence

Philosophy

Unified School District No. 500 is committed to providing an educational environment which facilitates academic achievement and the personal development of students and staff. Such an environment must be both safe and secure. School violence is contrary to this objective. Accordingly, School violence by and between students, staff, volunteers, parents, vendors, or invites is prohibited and will not be tolerated.

For the purpose of creating a safe and orderly environment conducive to learning, Unified School District No. 500 adopts the following School and workplace safety policy.

.5.3.1 Definition

“School violence, as used in this policy, includes, but is not limited to, the following conduct, when such conduct is committed on Unified School District No. 500 property, at a Unified School District No. 500 sponsored activity or event, or in connection with a Unified School District No. 500 activity or event:

- (1) the offensive and/or unlawful touching by one person against another when done in a rude, insolent or angry manner;
- (2) the unlawful application of force to another when done in a rude, insolent or angry manner;
- (3) threats to do bodily harm to another;
- (4) the stalking of another; and
- (5) inciting, causing or encouraging another to commit any of the conduct described in sub parts (1) through (4) above. This definition of “School violence” applies to all such conduct whether committed by a Unified School District No. 500 employee, vendor, parent, guest, invitee, visitor, volunteer or student.
- (6) In accordance with Kansas law, School violence shall also include inherently dangerous criminal acts including murder, kidnaping and aggravated kidnaping, robbery, and aggravated robbery, felony theft, burglary and aggravated burglary, arson and aggravated arson, aggravated assault, aggravated battery, any felony drug offense and any sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto.

.5.3.2 Prohibitions

The following conduct is inconsistent with a professional working environment and is prohibited. Any employee who engages in such conduct will be subject to disciplinary action, up to and including termination.

- (1) The use of profanity or abusive language;
- (2) The possession of unauthorized firearms or other weapons while on Unified School District No. 500 property;
- (3) Insubordination or the refusal by a Unified School District No. 500 employee to follow the instructions of his/her superior concerning a job-related matter;
- (4) The pushing, shoving, hitting, kicking or slapping or offensive touching of a Unified School District No. 500 employee;
- (5) Threatening or intimidating co-workers, security guards, or the guests or invitee of Unified School District No. 500;
- (6) Exhibiting (a) personal conduct detrimental to Unified School District

No. 500 personnel, students, guests or invitee, which could cause undue disruption of work or endanger the safety of persons or property of others or (b) exhibiting conduct which may be characterized as workplace violence, as defined above.

.5.3.3 Employee Expectations/Requirements

Unified School District No. 500 employees are expected at all times to conduct themselves in a positive manner so as to promote a professional working environment. Toward this end, Unified School District No. 500 employees must, at a minimum, adhere to the following:

- (1) Comply with all Unified School District No. 500 safety and security policies;
- (2) Treat all students, visitors, staff, and co-workers in a courteous manner;
- (3) Refrain from behavior or conduct which may be characterized as School violence as defined above;
- (4) Immediately report to Unified School District No. 500 supervisors and administrative officials, including but not limited to appropriate state and local law enforcement, and building principals, the Assistant Superintendent for Personnel, the Assistant Superintendent for, Parent and Community Services, and the Director of Classified Personnel all information supporting the individuals' belief that an incident of School violence has been committed or will be committed at School on School property, or at a supervised School activity.

The report, when appropriate, must also state that the act involved or will involve a direct or immediate threat to the safety or security of human life, the possession, use, or disposal of explosives, firearms, or other weapons, or the commission of an inherently dangerous act. The supervisor and/or administrative official receiving such a report shall ensure its immediate communication to the appropriate state or local or law enforcement agency.

If they so desire, School employees may also make such reports directly to the appropriate state or local or law enforcement agency.

- (5) Cooperate with Unified School District No. 500 in investigations pertaining to School violence.

.5.3.4 School Safety

Any administrative, professional or paraprofessional employees who comes into possession of information about potentially dangerous students shall inform the Superintendent of Schools or the Assistant Superintendent for Pupil, Parent and Community Services of such belief and the reasons supporting the belief. Potentially dangerous students includes, but is not limited to the following:

1. Students who have been expelled for conduct which endangers the safety of others:
2. Students who have been expelled for commission of criminal offenses:

3. Students who have been expelled for possession of weapons:
4. Students who have been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony, except theft involving no direct threat to human life; and
5. Students who have been tried and convicted as an adult of any felony, except theft involving no direct threat to human life.

Upon receipt of a report required under this provision, the Superintendent of Schools shall order an investigation of the reported matter and, upon determining that the identified pupil is a pupil to whom the provision of this subsection apply, shall provide the reported information and the identity of the pupil to all school employees who are directly involved or likely to be directly involved in teaching or providing other school related services to the pupil.

.5.3.5 School Violence Complaint - Procedure

Any person who believes he or she has been subjected to School violence or the threat of violence should follow these procedures:

- (1) Immediately terminate all contact and communication with the threatening or offending person.
- (2) Contact the offending person's supervisor, your supervisor, your principal, the Assistant Superintendent for Personnel, the Assistant Superintendent for Student and Parent Services, or the Director of Classified Personnel.
- (3) Upon receipt of such information, the above-designated individuals shall immediately report to the appropriate state or local law enforcement agency, by or on behalf of any school employee who knows or has reason to believe that an act of workplace violence has been committed or will be committed, the information required and/or reported under policy .5.3.3 (4)
- (4) Anyone subjected to workplace violence by anyone with supervisory authority should report such activity to the Central Office. Employees are further encouraged to file police complaints/reports as they deem necessary.
- (5) Anyone who observes the failure of a supervisor to take immediate action on a complaint to take immediate action on a complaint of workplace violence should report such activity to his/her supervisor or building principal, the Assistant Superintendent for Personnel, the Assistant Superintendent for Student and Parent Services, or the Director of Classified Personnel.

.5.3.5 Workplace Violence - Investigation and Resolution of Complaints

Allegations of workplace violence or the threat of violence shall be investigated, and if substantiated, corrective or disciplinary action taken.

Conduct evidencing workplace violence by an employee may constitute grounds for termination.

.5.3.6 Workplace Violence Complaint - Protection from Retaliation

Regardless of the means selected for resolving the problem, the initiation of a complaint under this policy, or the cooperation by any employee in an investigation initiated as a result of this policy, or an employee's cooperation with a law enforcement agency relating to a criminal act that the employee knows has been committed or reasonably will be committed at school, on school property, or at a school supervised activity will not cause any negative reflection on the employee nor will it adversely affect his/her employment, compensation or work assignments.

.5.3.7 Immunity from Liability

In accordance with Kansas law, any employee participating without malice in the making of an oral or written complaint to a law enforcement agency relating to any critical act or act of workplace violence that is known to have been committed or reasonably is believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such employee will have the same immunity with respect to participation in any judicial proceedings resulting from the report.

.5.3.8 Annual Report

On an annual basis, the Assistant Superintendent for Personnel shall compile and report to the State Board of Education the following information relating to school safety and security:

- (1) The types and frequency of criminal acts that are required to be reported under this policy, disaggregated by occurrences at school, on school property, and at school supervised activities; and
- (2) whether such acts were person or non-person crimes

Upon request, the Assistant Superintendent of Personnel shall make available to pupils and their parents, to school employees, and to others, the provisions under this policy and all reports concerning school safety and security.

.6.0 Drug Free Workplace

.6.1 General Policy

The Board of Education is committed to programs that promote safety in the workplace, employee health and well-being, and the public's confidence in this school district. Consistent with the spirit and intent of this commitment, the Board has developed this policy statement regarding the unlawful manufacture, distribution, dispensing, possession or use of drugs (controlled substance) and alcohol by all employees.

Employee involvement with drugs and alcohol can adversely affect job

performance and employee morale, jeopardize the health, safety and welfare of students and fellow employees, and undermine the public's confidence. Such involvement is particularly unacceptable for employees in light of the nature of their work. Our goal, therefore, and the purpose of this policy is to establish and maintain a safe workplace and a healthy and efficient workplace free from the effects of drug and alcohol abuse.

.6.2 Use of Employee Assistance Program/Chemical Dependency Policy

The Board encourages any employee with a drug or alcohol problem to utilize the services of the Employee Assistance Program. All communications will be strictly

confidential. In addition, employees will not be subject to discipline for voluntarily acknowledging their drug/alcohol problem under the Chemical Dependency policy 4.1.19.8.0. However, this will not excuse violations of the Drug and Alcohol policy for which the employee is subject to discipline.

.6.3 Manufacture, Distribution, Dispensing, Possession or Use of Alcohol/Drugs

The unlawful manufacture, distribution, dispensing, possession or use of drugs or alcohol by any employee while on duty or on school district property will be cause for disciplinary action, up to and including termination. Illegal substances will be confiscated and the appropriate law enforcement agencies notified.

.6.4 Alcohol/Drugs in System

Employees must not report for duty under the influence of drugs or alcohol. Any employee reporting to work under the influence of drugs or alcohol is not to be permitted to enter the school district's premises. Any employee discovered to be under the influence of drugs or alcohol while on duty shall be required to leave the premises and should be escorted home. The above described conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination.

.6.5 Reporting Violations

It is every employee's responsibility to immediately report any violation of the Drug and Alcohol policy.

.6.5.1 Notification by Employee of Criminal Drug Statute Conviction

Every employee shall notify the Assistant Superintendent for Personnel or any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Failure to report such conviction shall be cause for disciplinary action, up to and including termination.

.6.6 Employment Consequences for Drug Conviction

Within thirty (30) days after receipt of notice of a conviction under Policy 4.1.13.6.5.1., the school district will take appropriate action with the employee. Such action may include the initiation of termination proceedings, suspension, placement on probationary status, or other disciplinary action. Alternatively, or in addition to any action short of termination, the employee may be required to participate

satisfactorily in an approved drug abuse assistance or rehabilitation program as a condition of continued employment. The employee shall bear the cost of participation in such program.

.6.7 Notice to Employee of Drug Free Workplace Policy

Each employee in the district shall be given a copy of this Drug Free Workplace policy.

.6.8 Drug Free Workplace Act of 1988

This policy is intended to implement the requirements of the federal regulations promulgated under the Drug Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. It is not intended to supplant or otherwise diminish disciplinary personnel actions which may be taken under other board policies or the negotiated agreement.

.7.0 Drug Free Schools

The unlawful possession, use or distribution of illicit drugs and alcohol by school employees on school premises or as a part of any school activity is prohibited. This policy is required by the 1989 amendments to the Drug Free Schools and Communities Act., P.L. 102-226,103 St. 1928.

.7.1 Employee Conduct

As a condition of continued employment in the school district, all employees shall abide by the terms of this policy. Employees shall not unlawfully manufacture, distribute, dispense, possess or use illicit drugs, controlled substances, or alcoholic beverages on district property or at any school activity. Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy shall be reported to the appropriate law enforcement officers. Additionally, an employee who violates the terms of this policy shall be subject to disciplinary action up to and including termination.

.7.2 Employee's Right to Due Process

Prior to applying sanctions under this policy, employees will be afforded all due process rights to which they are entitled under their contracts or the provisions of Kansas law. Nothing in this policy is intended to diminish the right of the district to take any other disciplinary action which is provided for in district policies or the negotiated agreement.

.7.3 Drug Counseling or Rehabilitation Program

It is agreed that an employee shall enter into and complete a drug education or rehabilitation program, the cost of such program shall be the responsibility of the employee. Drug and alcohol counseling and rehabilitation programs are available for employees of the district through the Employee Assistance Program. Information about available programs along with names and addresses of contact persons for the program is available through the Office of the Assistant Superintendent for Personnel. Employees are responsible for enrolling in the program.

.7.4 Notice of Employees of Drug Free Schools Policy

A copy of this Drug Free Schools Policy shall be provided to all employees.

4.1.13.8.0 Testing and Substance Abuse

.8.1 Statement of Purpose

U.S.D. No. 500 has, as its principal mission, the provision of an educational experience of maximum quality for all students. Critical to the success of this mission is the preservation of an environment free from the adverse consequences of alcohol and drug abuse.

Based upon information derived from the media, newspapers, magazines, professional journals, national crime statistics and past employee experiences, indications are that drug abuse (including alcohol) is substantial. As our organization is involved in the transportation of students (an activity which exposes the citizenry to situations in which safety is critical), and the security and supervision of school-aged children. Employees performing these tasks who abuse drugs or alcohol can be a hazard to the public, our students and other employees. As a public entity, we cannot ignore the possibility of a drug problem and its potential consequences.

Bus drivers, staff who transport students as a part of their duties, campus officers, operators of industrial equipment and mechanics bear direct and daily responsibility for more lives than virtually any other public employee. These employees perform a safety sensitive function. One chemically induced accident or mishap can result in death or serious injury to dozens of individuals.

The use of illegal drugs, on or off duty, by U.S.D. No. 500 employees who perform safety sensitive functions is inconsistent both with the duty of all citizens to abide by the law and with the duty of care expected of school bus drivers, security officers, and mechanics as servants of the public. Moreover, employees who use illegal drugs on or off duty and employees who consume alcohol while on duty tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not engage in such conduct.

Employees who use illegal drugs or abuse alcohol bear substantial responsibility for changing their behavior, and if necessary, must begin the process of rehabilitating themselves.

While a function of schools in a democratic society is to foster adherence to constitutional rights, U.S.D. No. 500 believes that its adherence to the constitutional rights of employees performing safety sensitive functions must be measured against its interest in regulating certain conduct of employees performing said functions to ensure the safety of the traveling public, other employees and students. Toward this end, U.S.D. No. 500 has engaged in careful analysis and has determined its interest presents special needs beyond nominal law enforcement which justify adopting a physical examination procedure designed to identify improper drug and alcohol use. The procedure selected and which is hereby implemented includes testing blood, breath, and urine as well as utilizing other diagnostic tests designed to detect alcohol and/or drugs (or drug metabolites).

The inherent difficulty in detecting drug abused, coupled with the safety concern such use poses to the public and our students when such abuse is committed by employees performing safety sensitive functions mandates the implementation of a detection procedure designed to identify should include, among other things, breath, blood and urinalysis testing. Furthermore, any such procedure should be targeted toward those individuals performing "safety sensitive functions" as defined below. Our goal, therefore, and the purpose of this policy is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of drug and alcohol abuse.

The examination and detection procedures described herein are not intended to be punitive in nature. Reports of physical explanation which disclose improper drug and alcohol use will not be voluntarily submitted for use in criminal prosecutions.

Special Note: The testing of school bus drivers shall be conducted in accordance with federal law. Procedures to effect such compliance are detailed in policy 4.7.13.1.0 and this policy alone shall govern the testing of bus drivers.

.8.2 Definitions

- .8.2.1 Accident means an occurrence associated with the operation of a U.S.D. No. 500 vehicle, whether or not such vehicle is situated on the premises of U.S.D. No. 500.
- .8.2.2 Applicant means any individual tentatively selected for employment with U.S.D. No. 500.
- .8.2.3 Employee Assistance Program (EAP) means the U.S.D. No. 500 based counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
- .8.2.4 Illegal or prohibited drug includes, but is not limited to the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, in K.S.A. 65-4101 (1999 Supp.) and K.S.A. 65-4101a (1999 Supp.) and amendments thereto of the Uniform Controlled Substance act, to wit: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.
- .8.2.5 Medical Review Officer means the individual responsible for receiving laboratory results generated from U.S.D. No. 500's Drug Free Workplace Program and this policy who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.
- .8.2.6 Pass a drug test means that a medical review officer has determined that the results of a drug test administered under this policy:
- a. Showed no evidence of insufficient evident of a prohibited drug or drug metabolite;
 - b. Showed evidence of a prohibited drug or drug metabolite but there

was a legitimate medical explanation for the result;

- c. Were scientifically insufficient to warrant further action; or
- d. Were suspect because of irregularities in the administration of the test or observation or chain of custody procedures.

.8.2.7 Positive test result means a test result which reveals a detectable concentration of an illegal or prohibited drug (or its metabolites) above 50 nanograms or a blood-alcohol concentration of .04% or more (or its equivalent as determined by a diagnostic test such as a breathalyser) for individuals who are entrusted with the care, maintenance and operation of a vehicle on behalf of U.S.D. 500, the transportation of students and the security of students of U.S.D No. 500.

.8.2.8 Random Testing means a system of drug testing imposed without individual suspicion that a particular individual is using illegal drugs conducted on at least 25% of safety-sensitive employees, and may either be:

- a. Uniform-unannounced testing of testing designated employee occupying a specified area, element or position; or
- b. A statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

.8.2.9 Safety sensitive function means any duty related to the security of U.S.D. No. 500 students and the operation of a U.S.D. 500 vehicle on behalf of U.S.D. 500 including:

- a. Operation of U.S.D. No. 500 vehicle, whether or not such vehicle, is in U.S.D. No. 500 service;
- b. Controlling movement of a U.S.D. No. 500 vehicle;
- c. Maintaining U. S. D. No. 500 vehicles;
- d. Supervising an employee who performs a function listed in paragraphs a. through c. of this section.

In addition, thereto, the positions of Superintendent, Assistant Superintendent, Assistant to the Superintendent and School Campus Officers shall be deemed to contain safety sensitive functions.

.8.2.10 Supervisor means an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

.8.3 Prohibited Activities

The use, possession, sale or distribution of prohibited drugs or alcohol by employees performing safety sensitive functions while on U.S.D. No. 500 property or while engaged in or performing U.S.D. No. 500 business is prohibited. [To possess means to have either in or on the employee's person, personal effects, motor vehicle, or areas substantially entrusted to the control of the employee.] Such conduct will further result in immediate discharge. Illegal substances will be confiscated and the appropriate law enforcement agency notified. Note however, that Reports of Physical Examinations will not be voluntarily submitted to law enforcement.

- .8.3.1 Employees performing safety sensitive functions are required to refrain from the use of illegal drugs.
- .8.3.2 Employees performing safety sensitive functions are required to refrain from any and all alcohol consumption while on duty. The consumption of alcohol while off duty is likewise prohibited where such consumption impairs the ability of the employee to fully perform the duties to which they have been or will be assigned. "Impaired" means under the influence of a substance such that the employee's motor sense (i.e., sight, hearing, balance, reaction, reflex or judgment either are or may be presumed to be effected.)
- .8.3.3 The use of illegal drugs by employees performing safety sensitive functions, whether on or off duty, is contrary to the efficiency of public service.
- .8.3.4 The consumption of alcohol by employees performing safety sensitive functions while on duty and the consumption of alcohol while off duty which impairs the ability of the employee to fully perform all duties assigned to him or her is also contrary to the efficiency of public service.
- .8.3.6 Employees performing safety sensitive functions who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of medication likely to impair their ability to do their job. An employee who fails to so notify his/her supervisor shall be subject to disciplinary action, up to and including discharge. Moreover, employees who take over-the-counter or prescribed medication contrary to instructions may be subject to disciplinary action, up to and including termination.

.8.4 Procedures of Implementation of Policy

NOTICE: Sixty days prior to the initial implementation of a physical examination or other testing procedure designed to identify improper drug and alcohol use, U.S.D. No. 500 shall notify all employees performing safety sensitive functions that testing for use of illegal drugs and improper alcohol consumption is to be conducted and that they may seek counseling and rehabilitation.

- .8.4.1 U.S.D. No. 500 shall also inform such employees of the procedures for obtaining assistance through the U.S.D. No. 500 Employment Assistance Program. (Reference Form A: Drug Policy) U.S.D. No. 500 shall also inform its employees of the following:
 - a. The purpose of this policy and the Drug Free Workplace Act;

- b. That the Plan will include both voluntary and mandatory testing;
- c. The those who hold positions selected for random testing will also receive an individual notice, prior to the commencement of testing;
- d. The availability of procedures necessary to obtain counseling and rehabilitation through the EAP;
- e. The circumstances under which testing may occur;
- f. That the laboratory assessment is a series of tests which are highly accurate and reliable, and that, as an added safeguard, laboratory results are reviewed by the Medical Review Officer;
- g. That positive test results verified by the Medical Review Officer may only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action;
- h. That all medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, an authorizing court order, or otherwise as permitted, or required by State and Federal Law.

.8.4.2 On at least an annual basis and in connection with new employee orientation and as a condition precedent to the implementation of individual employee testing, U.S.D. No. 500 shall inform all employees performing safety sensitive functions who are to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug. (Reference Form B: Drug Policy.)

.8.4.3 Before conducting a drug test, U.S.D. No. 500 shall inform all employees performing safety sensitive functions of the procedures for timely submission of requests for retention of records and specimens; procedures for re-testing; and procedures consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. U.S.D.No. 500 recognizes that procedures for providing urine specimens must allow individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen provided. Notice of positive test result shall be given to the tested employee within two business days of the application of the gas chromatography mass spectrometry analysis or as soon thereafter as is practical.

.8.4.4 Conditions for Testing: The following circumstances and activities detail those instances in which employees performing safety sensitive functions will be required to submit to alcohol and/or drug testing:

- a. At the time of the pre-employment examination or when an employee is transferred to a safety-sensitive position .
- b. At the time of any work-related physical examination.
- c. Where two supervisors concur that probable cause exists to believe, that the employee appears to be acting in an intoxicated or impaired manner; however, if only one supervisor is available his or her opinion alone is sufficient.

1. Probable cause means that, because of the employee's

appearance or conduct, the employer has information which leads him/her to conclude that the employee is impaired due to drug or alcohol use.

2. In evaluating the existence of probable cause, the actions or observations of the employee must occur while the employee is on duty.
 3. Where probable cause is found to exist, the employee must be taken by his supervisor or other designated representative immediately to an approved collection site to obtain a urine or blood sample.
 4. Upon the collection of a probable cause blood or urine examination, the employee will be transported to his/her home address.
 5. Immediately following (usually within 24 hours) a probable cause blood or urine examination, the supervisor must complete the probable cause recording form. (Reference Form C: Drug Policy.)
- d. When an employee's conduct could have contributed to a vehicle accident involving:
- 1.) A pedestrian
 - 2.) A fixed object;
 - 3.) Two or more vehicles/equipment belonging to U.S.D. No. 500;
 - 4.) A U.S.D. No. 500 vehicle striking the rear of another vehicle;
 - 5.) A head-on collision;
 - 6.) A U.S.D. No. 500 vehicle striking another vehicle broadside;
 - 7.) Substantial physical damage to residence, equipment or vehicle (combined physical damage believed to be in excess of \$1,000.00);
 - 8.) Personal/bodily injury.
- e. When an employee is involved in an accident which, in the sole discretion of U. S.D. No. 500, it appears carelessness, poor judgment or lack of alert mental faculties may have contributed to the accident.
- f. When an employee is in flagrant violation of standard operating or safety procedures of U.S.D. No. 500, federal or state safety regulations.
- g. As a condition of discipline due to a previous alcohol or drug-related offense.
- h. At the discretion of U.S.D. No. 500 Management, when an employee returns from any unauthorized absence from work whereby two or more consecutive days of absence occurred, the employee may be required to submit to a test.
- i. During random intervals of testing. Random testing applies only to the Superintendent, the Assistant Superintendents, the Assistant to

the Superintendent, School Campus Officers, and Department of Transportation administrators.

.8.4.5 A decision not to administer a drug test under this section shall be made by an individual who was not involved in the accident. The determination shall be based on the best information available at the time.

.8.5 Testing of Applicants Seeking Safety Sensitive Positions

After a conditional offer of employment has been tendered, applicants seeking safety sensitive positions with U.S.D. No. 500 may be given breath, blood, urine, or other diagnostic tests to detect alcohol and/or drugs (or drug metabolites) in their systems. Positive test results for drugs or alcohol will be considered in making the final employment decision. Refusal to submit to the requirements of this drug and alcohol policy will render the applicant ineligible for employment (Reference Form D: Drug Policy).

.8.5.1 Every vacancy announcement for positions designated for applicant testing shall state:

"All applicants tentatively selected for this position will be required to submit to testing to screen for illegal or prohibited drug and alcohol use prior to appointment. "

.8.5.2 In addition, each applicant will be notified that appointment to the subject position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided applicants in some other manner.

.8.6 Additional Explanation Regarding Conditions for Testing.

.8.6.1 Post Accident Testing.

The urine sample for a post-accident drug test required by this section shall be collected as soon as possible but not later than 8 hours after the accident .

.8.6.2 Random Testing:

- a. Random drug testing under this section shall mean a number of drug tests in which 25 percent of all employees who perform safety sensitive functions each calendar year are tested. (Reference Form E: Drug Policy)
- b. Each employee who performs a safety sensitive function shall be in a pool from which random selection is made. Each employee in the pool shall have an equal chance of selection and shall remain in the pool, even after the employee has been tested.
- c. An employee shall be selected for drug testing on a random basis by using a scientifically valid random number generation method.

- d. During the first 12 months following the institution of random drug testing under this section, U.S.D. No. 500 shall meet the following conditions.
 - 1.) The random drug testing shall be spread reasonably throughout the 12 month period.
 - 2.) The last test collected during the year shall be conducted at an annualized rate of 25 percent, and
 - 3.) The total number of tests administered during the 12 months shall be equal to at least 25 percent of all employees who perform safety sensitive functions.

.8.6.3 Retests:

- a. An employee who does not pass a drug test administered under this part may request that the original urine sample be analyzed again.
- b. An employee requesting a retest under this section must submit a written request within 60 days of the employee's receipt of the test result. The employee may specify retesting by the original laboratory site or by a second laboratory site that is certified to perform drug tests by the Department of Health and Human Services. All retesting of this nature shall be at the expense of the employee.

.8.7 Voluntary Compliance, EAP and Referral

.8.7.1 The U.S.D. No. 500 EAP plays an important role in preventing and resolving employee drug use by: demonstrating U.S.D. No. 500's commitment to eliminating illegal drug use; providing employees an opportunity, with appropriate assistance, to discontinue their drug use; providing educational materials to supervisors and employees on drug use issues; assisting supervisors in confronting employees who have performance and/or conduct problems and making referrals to appropriate treatment and rehabilitative facilities; and follow-up with individuals during the rehabilitation period to track their progress and encourage successful completion of the program. The EAP, however, shall not be involved in the collection of urine samples or the initial reporting of test results. Specifically, the EAP shall --

- a. Provide counseling and assistance to employees who self-refer for treatment or whose drug tests have been verified positive, and monitor the employees' progress through treatment and rehabilitation;
- b. Provide needed education and training to all levels of U.S.D. No. 500 on types and effects of drugs, symptoms of drug use and its impact on performance and conduct, relationship of the EAP to drug testing, and related treatment, rehabilitation, and confidentiality issues;
- c. Ensure that confidentiality of test results and related medical treatment and rehabilitation records is maintained in accordance with this policy.

- .8.7.2 Any employee found to be using drugs shall be referred to the EAP. The EAP shall be administered separately from the testing program and shall be available to all employees without regard to a finding of drug use. The EAP shall provide counseling or rehabilitation for all referrals, as well as education and training regarding illegal drug use. The EAP is available not only to U.S.D. No. 500 employees.
- .8.7.3 An employee who voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing, prior to being identified through other means, will be considered a candidate for retention provided that said employee obtains counseling or rehabilitation through the Employee Assistance Program and thereafter refrains from using illegal drugs and/or from the improper consumption of alcohol. However, the decision to retain the employee rests solely within the discretion of U.S.D. No. 500. (Reference From B- Drug Policy.)
- .8.7.4 An employee performing a safety sensitive function who is shown to have improperly consumed alcohol and/or drugs shall not be allowed to remain on duty in a safety sensitive position prior to the successful completion of rehabilitation through the Employee Assistance Program. However, as part of rehabilitation or counseling, the Assistant Superintendent for Personnel may, in his or her discretion, allow an employee to return to duty in a safety sensitive position if it is determined that this action would not pose a danger to public health or safety or the safety of other employees.
- .8.8 Effect of Positive Results; Refusals
- .8.8.1 Alcohol: An employee performing a safety sensitive function found to have a blood-alcohol concentration of .04% or more (or its equivalent as determined by a diagnostic tests such as a breathalyser) while on U.S.D. No. 500 property or while on U.S.D. No. 500 business, shall receive a thirty (30) day suspension without pay on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be placed on probation for twelve (12) months and shall be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged.
- .8.8.2 Marijuana: An employee performing a safety sensitive function found to have a detectable concentration of marijuana (or its metabolites) [above 50 nanograms] in his or her system, shall receive a thirty (30) day suspension without pay on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be placed on probation for twelve (12) months and shall be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged.
- .8.8.3 Drugs other than Marijuana or Alcohol: An employee performing a safety sensitive function found to have a detectable concentration of any drug metabolite other than marijuana or alcohol in his or her system, including but not limited to, heroin, cocaine, morphine, phencyclidine (PCP), amphetamines, barbiturates, or hallucinogens (or metabolites of any such drugs), shall receive a thirty (30)

day suspension without pay on the first offense and shall be required to participate in the Employee Assistant Program. In addition, the employee shall be placed on probation for twelve (12) months and be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged (Reference From F: Drug Policy.)

- .8.8.4 An employee performing a safety sensitive function who has been previously identified as having improperly consumed alcohol or drugs, who within a two-year period thereafter fails to refrain from using illegal drugs, shall be immediately terminated upon the discovery thereof
- .8.8.5 The results of a drug test and information developed by U.S.D. No. 500 in the course of the testing of employees performing safety sensitive functions may be considered in processing adverse personnel actions against said employees and may be used for other administrative purposes. However, preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.
- .8.8.6 Refusal to obtain counseling or to participate in a rehabilitation program shall be sufficient grounds for immediate termination. Refusal by any employee to consent to testing shall provide sufficient grounds for termination.
- .8.8.7 Any action to discipline an employee performing a safety sensitive function who is using illegal drugs (including termination, if appropriate) shall be taken in compliance with otherwise applicable procedures.
- .8.8.8 The disciplinary steps set forth in other U.S.D. No. 500 policies which provide for progressive discipline do not apply to violations of this policy. The discipline to be imposed for violations of this drug and alcohol policy shall be governed solely by the provisions set forth herein.

.8.9 Testing Procedures:

- .8.9.1 The procedure for the collection and submission of urine samples shall be determined by the Medical Review Officer of the certified laboratory and testing facility administering the test, except that such procedure must be in substantial compliance with that set forth in 49 CFR Part 40. Such procedures all be periodically reviewed by U.S.D. No. 500 to ensure accuracy, fairness, and adherence to the principles and mandates set forth herein. Specific attention during such reviews shall be devoted to the integrity of specimen chain-of-custody and employee privacy.
- .8.9.2 If an initial screening test indicates positive findings, in every case, a confirmatory test, using gas chromatography/mass spectrometry, will be conducted.

.8.10 Confidentiality

Except as provided herein, no test result or other information from an anti-drug program may be released.

- .8.10.1 The laboratory may disclose laboratory test results only to the Medical Review Officer or the staff of the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results will be protected under the provisions of state and federal Privacy Acts including, but not limited to 5 U.S.C. 522a, et seq., and may not be released in violation of either Act. The Medical Review Officer may maintain only those records necessary for compliance with this order. Any records of the Medical Review Officer, including drug test results, may be released to any management official for purposes of auditing the activities of the Medical Review Officer, except that the disclosure of the results of any audit may not include personal identifying information on any employee.
- .8.10.2 The results of a drug test of U.S.D. No. 500 employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be --
- a. To the Medical Review Officer;
 - b. To the EAP Administrator in which the employee is receiving counseling or treatment or is otherwise participating;
 - c. To any supervisory or management official within U.S.D. No. 500 to take adverse personnel action against such employee; or
 - d. Pursuant to the order of a court or competent jurisdiction or where required by the United States Government or the State of Kansas to defend against any challenge any adverse personnel action.
- .8.10.3 For purposes of this Section, "management official" includes any management, government, security or personnel official whose duties necessitate review of the test results in order to process adverse personnel action against the employee. In addition, test results with all identifying information removed shall also be made available to U.S.D. No. 500 personnel, including the Drug Testing Program Coordinator, for data collection and other activities necessary to comply with appropriate federal and state statutes.
- .8.10.4 Any employee who is the subject of a drug test shall, upon written request, have access to any records relating to --
- a. Such employee's drug test; and
 - b. The results of any relevant certification, review, or revocation-of-certification proceedings.
- .8.10.5 Except as authorized by law, an applicant who is the subject of a drug test, however, shall be entitled to this information.
- .8.11 Supervisory Training

Supervisors have a key role in establishing and monitoring a drug-free workplace and administering this policy. Toward this end, U.S.D. No. 500 shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by agency employees.

- .8.11.1 Implementing. The Assistant Superintendent for Personnel for U.S.D. No. 500 shall be responsible for implementing supervisory training and shall develop a training package to ensure that all employees and supervisors are fully informed of U.S.D. No. 500 Drug-Free Workplace Plan and this Statement and Policy on Drug Testing and Substance Abuse.

.8.12 Maintenance of Records

U.S.D. No. 500 shall establish or amend a record keeping system to maintain the records of this policy consistent with U.S.D. No. 500's Privacy Act System of Records and with all applicable Federal and State laws, rules and regulations regarding confidentiality of records including the Privacy Act (5 U.S.C. 522a). If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the Assistant Superintendent for Personnel. The record keeping system should capture sufficient documents to meet the operational and statistical needs of this policy and includes:

- a. Notices of verified positive test results referred by the Medical Review Officer;
- b. Written materials justifying probable cause testing or evidence that an individual may have altered or tampered with a specimen;
- c. Anonymous statistical reports; and
- d. Other documents the Drug Program Coordinator, Medical Review Officer, or EAP Administrator deems necessary for efficient compliance with this order.

4.1.13.9.0 Internet, Network, Technology and Electronic Mail Acceptable Use Policy

.1.0 Purpose

The purpose of school district-provided technology, Internet access and Electronic Mail (“E-Mail”) is to facilitate communications in support of research and education. To remain eligible as users, employees must restrict their activities to endeavors which are in support of and consistent with the educational objectives of the Kansas City, Kansas School District. Internet access is a privilege, not a right. Access entails responsibility.

.2.0 The Internet

The Kansas City, Kansas School District (herein sometimes referred to as “KCKSD”) is pleased to offer its employees, students, volunteers, and authorized visitors (“Users”) access to the Internet, an electronic highway connecting millions of users all over the world. This computer technology will help propel our schools through the communication age by allowing employees

to access and use resources from distant computers, communicate and collaborate with individuals and groups around the world, publish knowledge and information to a world-wide audience, and significantly expand their available information base. The Internet is a tool for lifelong learning. It is a necessary tool for Kansas City, Kansas Schools to develop students ready to live and work in the 21st Century.

.3.0 Educational Objectives

In making decisions regarding access to the Internet, the Kansas City, Kansas School District considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the Internet enables employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging information with people around the world.

The District expects that faculty will blend thoughtful use of the Internet throughout the curriculum and will provide guidance and instruction to students in its use. As much as possible, access from school to Internet resources should be structured in ways which point students to those which have been evaluated prior to use. While students will be able to move beyond those resources to others that have not been previewed by staff, they shall be provided with guidelines and lists of resources particularly suited to learning objectives.

.4.0 Parental Permission and Student Supervision

In order for a student to gain access to the Internet, he/she must have parental permission. Parents will be given the option of denying Internet access and requesting alternative assignments not requiring direct Internet access. Middle school and high school students must sign an Internet Network Access Agreement. Moreover, students utilizing District-provided Internet access must first have the permission of and must be supervised by the Kansas City, Kansas School District's professional staff.

.5.0 Privacy is Not Guaranteed

The Superintendent and his designee, as well as the Technical and Information Services Administrator may review files and monitor all computer and Internet activity to maintain system integrity and ensure that users are acting responsibly. Privacy is not guaranteed.

.6.0 Use is a Privilege

Use of the Internet is a privilege, not a right. Users violating policies pertaining to standards of conduct or Internet use shall be subject to revocation of privileges and potential disciplinary and/or appropriate legal action.

.7.0 Liability

The Kansas City, Kansas School District makes no assurance of any kind, whether expressed or implied, regarding any Internet services provided. The school district will not be responsible for any damages the user suffers. Use of any information obtained via the Internet is at the user's own risk. The school district will not be responsible for any damages users suffer, including - but not limited to - loss of data resulting from delays or interruptions in service. The school district will not be responsible for the accuracy, nature, or quality of information stored on school district diskettes, hard drives, or servers; not for the accuracy, nature or quality of information gathered through school district provided Internet access. The school district will

not be responsible for personal property used to access school district computers or network for school district-provided Internet access. The school district will not be responsible for unauthorized financial obligations resulting from school district-provided access to the Inter.

.8.0 Modifications

The Superintendent is authorized to amend or revise Internet Acceptable Use procedures as he/she deems necessary and appropriate consistent with the policy. The Superintendent is further authorized to amend or revise the Internet Network Access Agreement with the advice of Board counsel.

.9.0 Notice

These guidelines and all its provisions are subordinate to local, state, and federal statutes. All user's of the school district Internet access must also comply with agreements specified in the contract with the Internet Service Provider. A copy of these agreements are available on request from the office of the Assistant Superintendent for Business Affairs, 625 Minnesota Ave., Kansas City, KS 66101

.10.0 Network Procedures

The Kansas City, Kansas School District, in order to implement to the Internet Acceptable Use policy, will enforce the following policies and procedures. Although some specific examples of prohibited use are stated, these policies and procedures do not attempt to state all required or proscribed behavior. Failure to comply with these policies and procedures shall be deemed grounds for revocation or privileges, disciplinary and/or appropriate legal action.

.10.1 Acceptable Use (in general)

The educational value of Internet access is the joint responsibility of students, teachers, parents and employees of Kansas City, Kansas Public Schools. Since access to the Internet is a valuable and limited resource, employees are expected to place a premium on the quality of use. Taking up valuable bandwidth and access time to pursue frivolous ends, not consistent with the mission of the Kansas City, Kansas Public Schools is prohibited. This statements represents a guide to the acceptable use of the Kansas City, Kansas School District Internet facilities.

10.1.1 All use must be consistent with the educational mission and goals of the school district.

10.1.2 The intent of the use policy is to make clear certain cases which are consistent with the educational objectives of the school district, not to exhaustively enumerate all such possible uses.

.10.1.3 The Superintendent and his designees, may at any time make determinations that particular uses are or are not consistent with the purpose of the school district.

.10.1.4 Employees shall be required to sign the Internet Agreement form affirming that they have read, understand and will abide by the policies and the procedures pertaining to Internet Acceptable Use and understand the consequences for the violation of the school district's policies and procedures.

.10.2 Specifically Acceptable Professional Uses

- .10.2.1 Outside Research. Communication with outside researchers and educators in connection with research or instruction.
- .10.2.2 Exchange for Professional Development. Communication and exchange for professional development, to maintain currency, or to debate issues in a field or subfield of knowledge.
- .10.2.3 Professional Association. Use for disciplinary-society, university-association, government-advisory, or standards activities related to the user's research and instructional activities.
- .10.2.4 Grants and Contracts. Use in applying for or administering grants or contracts for research or instruction.
- .10.2.5 Administrative Communication. Any other administrative communications or activities in direct support of research and instruction.
- .10.2.6 Announcements. Announcements of new products or services for use in research or instruction, but not advertising of any kind.
- .10.2.7 Governmental and School Activities. Interaction with other school districts or governmental agencies if the traffic meets the acceptable use policy of KCKSD.
- .10.2.8 Incidental Activities (limited). Communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable use.
- .10.2.9 Publishing Instructional Materials. Posting or publishing instructional materials on web pages or certain sites on the Internet, so long as such posting and/or publication does not violate the policies and procedures of the KCKSD.
- .10.3 Unacceptable Use
 - .10.3.1 Users shall not erase, rename, or make unusable anyone else's computer files, programs or disks.
 - .10.3.2 Accessing another person's materials, information, or files without the implied or direct permission of that person is prohibited.
 - .10.3.3 Users shall not use or try to discover another user's password.
 - .10.3.4 Users shall not use school district computers or networks for purposes of personal profit.
 - .10.3.5 Users shall not use a computer for unlawful purposes, such as the illegal copying or installation of software, or violation of copyright laws.
 - .10.3.6 Users shall not copy, change or transfer any software or documentation provided by school district, teachers, of another school district, teachers, of another student without permission from the Superintendent or his designee.
 - .10.3.7 Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called a

bug, virus, worm, Trojan Horse, or similar name.

- .10.3.8 Users shall not deliberately use the computer to annoy or harass others with language, images, or threats. Users shall not deliberately access or create any obscene or objectionable information, language or images.
- .10.3.9 Users shall not intentionally damage the system, damage information belonging to others, misuse system resources, or allow others to use system resources.
- .10.3.10 Users shall not tamper with computers, networks, printers or other associated equipment except as directed by the teacher or the Superintendent or his designee.
- .10.3.11 Users shall not take home technology equipment (hardware or software) without permission of the supervisor.
- .10.3.12 Users shall not gain unauthorized access to resources or entities.
- .10.3.13 Except as otherwise provided in this policy, users shall not invade the privacy of individuals.
- .10.3.14 Users shall not post material authorized or created by another without his/her consent.
- .10.3.15 Users shall not post anonymous messages.
- .10.3.16 Users shall not use the network for commercial or private advertising. The Internet, web pages, and other technology shall not be used for private or commercial offerings of products or services for sale, or to solicit products or services or to raise funds for non-district related activities or organizations.
- .10.3.17 Users shall not forge electronic mail messages or web pages.
- .10.3.18 Users shall not use the network while access privileges are suspended or revoked.
- .10.3.19 Users shall not use the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.
- .10.3.20 Users shall not subscribe or use fee based on-line services without the prior written approval of the Superintendent or his designee.
- .10.3.21 Users shall not use the network to disseminate material or information on the behalf of or with regard to professional unions, collective bargaining, private businesses or associations, or political campaigns or organizations without the express written consent of the Superintendent.
- .10.3.22 Users shall report illegal or unauthorized use of the network to the supervising teacher or the authorized technical and information services administrator.

.10.4 Staff Responsibility

Staff members should become familiar with these procedures and should enforce the rules concerning acceptable and unacceptable use when their duties include supervising of students or staff using the Internet. When in the course of their duties staff members become aware of

violations of the Internet Acceptable Use policies and procedures, they should correct the user and address the matter in accordance with this procedure, the Student Code of Conduct and other policies governing employee conduct.

.10.5 Questions

Any questions or issues regarding the Internet Acceptance Use policies and procedures, should be directed to Kansas City, Kansas Public School District Administration. Violation of any conditions of use described herein may be cause of disciplinary action, denial of access or termination of employment. When or where applicable, law enforcement agencies may be involved.

.11.0 Electronic Mail (E-Mail) Policy

The following policies and procedures apply to use of the Electronic Mail (E-Mail) system offered by the Kansas City, Kansas School District. E-Mail policies and procedures are supplemental to the Internet policies and procedures set forth above.

.11.1 Purpose

Electronic Mail (herein "E-Mail") is provided to qualified students and staff of the Kansas City, Kansas School District (herein "Users") solely for the purpose of exchanging information consistent with the educational mission of the Kansas City, Kansas School District. Users of the E-Mail system must comply with this policy. Any other use of E-Mail is strictly prohibited.

.11.2 Property

The E-Mail system and all computer systems are the property of KCKSD. Unauthorized use of the E-Mail system is prohibited. Access to E-Mail and other on-line systems of KCKSD is a privilege granted to users by KCKSD and may be revoked or withheld at the discretion of the Superintendent, authorized Technical and Information Services Administrator, or the designee of the Superintendent.

.11.3 Privacy

Users do not have a personal privacy right in any matter created, received, stored in or sent from the E-Mail system. KCKSD may at times and without prior notice, monitor and review E-Mail messages and web site retrieval by users to insure proper use.

.11.4 Accounts and Passwords

Users must obtain an authorized account and password from the authorized Technical and Information Services Administrator in order to access E-Mail. The user should consider the account and password confidential and shall not share the account or password with any other persons or leave the account open or unattended at any computer system. Accounts and passwords may be terminated at any time for any reason by the Superintendent or his designee or the authorized Technical and Information Services Administrator.

.11.5 Use of E-Mail System

The following provisions apply to all users of the E-Mail system:

- .11.5.1 Users may not use the E-Mail system for any illegal activity, including but not limited to violation of copyright laws.
- .11.5.2 Personal information about students including, but not limited to student names, addresses and phone numbers shall not be transmitted outside the district network, without written permission from the student or his/her parents.
- .11.5.3 E-Mail may not be used for private or commercial offerings of products or services for sale, or to solicit products or services.
- .11.5.4 Users of E-Mail system shall not use E-Mail in any way that would be considered:
 - (a) damaging to another's reputation; (b) abusive; (c) obscene; (d) sexually orientated; (e) offensive; (f) threatening; (g) harassing; (h) illegal; or (I) contrary to school policy.
- .11.5.5 Users shall not attempt to read, delete, copy or modify the E-Mail of any other User.
- .11.5.6 Users shall not deliberately interfere with the ability of other Users to send/receive E-Mail.
- .11.5.7 Users shall not use the E-Mail system in a fashion that is inconsistent with directions from teachers, other staff, the authorized Technical and Information Services Administrator, and generally accepted network etiquette.
- .11.5.8 Users shall not use the E-Mail system to disseminate material or information on the behalf of or with regard to professional unions, collective bargaining, private businesses or associations, or political campaigns or organizations without the express written consent of the Superintendent.
- .11.5.9 Users shall report illegal or unauthorized use of the E-Mail or on-line systems to the supervising teacher or the authorized Technical and Information Services Administrator.

.11.6 Disciplinary Action

Use of the E-Mail system contrary to this policy or in an illegal manner shall be subject to revocation of privileges and potential disciplinary and/or appropriate legal action.

.11.7 System Use and Maintenance

Users should periodically remove or erase their E-Mail or file from the district file server. E-Mail or other files stored on a district file server are not considered private property or communications and may be removed by the authorized Technical and Information Services Administrator without prior notice to the User.

4.1.15.0.0 Resolution of Complaints

The purpose of complaint resolution procedures is to provide ample opportunity and clear avenues for their equitable resolution at the lowest possible level.

- .1.1 Complaint: An oral or written statement by an employee which alleges a violation, misapplication, or misinterpretation of established administrative regulations or

practices or Board policies which the complainant deems to be in need of resolution including an employment discrimination complaint by an employee or applicant for employment.

- .1.2 Complainant: The person(s) presenting a complaint.
- .1.3 Immediate Supervisor: The supervisory staff member in the department or building unit wherein the complaint exists and who assigns and supervises the employee's work and approves his/her record or evaluates his/her work performance.
- .1.4 Department: Any school office or administrative unit of the Board of Education.

.2.0 Procedure for Resolution of Complaints

.2.1 Level I

An employee with a complaint should first discuss it with his/her immediate supervisor in an effort to resolve it informally. Any request to discuss a complaint shall initially be presented to the immediate supervisor or other appropriate administrative staff member within a period of ten (10) days after the incident or event precipitating the complaint transpires and shall promptly be heard by the supervisor.

.2.2 Level II

In the event that the complaint cannot be satisfactorily resolved or is not heard at Level I in a period of five (5) days or less, the employee may present the complaint in writing to the Superintendent or his designated representative at any time mutually agreeable but within twenty (20) days of a request for a conference. Unless selected by the Board for a Level III conference, the Level II disposition by the Superintendent or his appointed designee shall be final.

.2.3 Level III

The complainant, within ten days of the Level II decision, may file with the Clerk of the Board, a request that the complaint be heard by the Board. The Board, at its discretion, may appoint certain members to serve as hearing examiner(s).

The Level III request must be accompanied by a short statement outlining the relevant facts of the dispute, the resolution or correction sought, and the policies, laws, statutes, regulations, and other procedures pertinent to the complaint. The acceptance of a Level III complaint shall be at the sole discretion of the Board. All Level III declinations shall be submitted to the complainant in writing.

- .2.3.1 In the event that the Board elects to convene a Level III conference, the complainant and other participants shall, within 7 days of acceptance notification, submit a list of proposed witnesses, including the witness's name and a brief summary of the witness's expected testimony and a list of proposed exhibits, including a brief summary of the content of each exhibit and its relevance to the complaint to the Clerk of the Board.
- .2.3.2 The Board or the Board's hearing examiner(s) in their sole discretion, shall determine the necessity for live testimony at the Level III conference. A Level

III determination may be rendered on written affidavit testimony. In the event that an individual is not selected to appear before the Board, participants in the complaint procedure may petition the Board or its hearing examiner(s) for reconsideration. The reconsideration decision by the Board or its hearing examiner(s) shall be final.

.2.3.3 Disposition of the Level III complaint by the Board or its hearing examiner(s) shall be final.

.2.3.4. If the complaint is not forwarded to the Clerk of the Board within thirty (30) days after original presentation of the complaint at Level I, then the complaint shall have been waived.

.2.4 Miscellaneous Provisions in Processing Complaints

.2.4.1 In complaint hearings at Level II and III, the complainant may be accompanied by a single representative of his/her choosing and the administration may be represented by a person of its choosing. Relevant information may be presented in oral or written form.

.2.4.2 At Levels II and III, decisions rendered shall be communicated to the complainant in written form.

2.4.3 Documents, communications, and records dealing with processing of a complaint shall be filed separately from the regular personnel files of the complainant.

4.1.17.0.0 Employee Compensation and Other Benefits

.1.0 Salary Guides

.1.15 In-District Job Related Auto Expense

Authorization of compensation of individual employees for normal and necessary job-related automobile use within the district shall be approved by the Board and shall be in accord with one of the following methods:

.1.15.1 Lump sum compensation based on estimated travel required may be authorized when recommended by the Superintendent and approved by the Board, and when such estimated travel reimbursement does not exceed \$125 per month.

.1.15.2 Actual miles traveled may be compensated at the rate established by the State of Kansas and based on mileage vouchers submitted by persons authorized to be so compensated.

4.1.19.0.0 Employee Fringe Benefits

.1.0 Workers' Compensation

.1.1 All Employees Included

All employees of the Board shall be protected by a workers' compensation insurance policy provided by the Board. (See related disability leave provisions.)

.1.2 Immediate Injury Report Required

Any employee who is accidentally injured in any way while in the performance of duties for the Board shall immediately report such injury to the school principal or to the immediate supervisor.

- .1.2.1 Such principal or supervisor shall take immediate steps to file the proper report in the office of the Assistant Superintendent for Business Affairs.

.2.0 Tax Deferred Annuities - 403(b) Tax Sheltered Annuity Plan

Kansas City, Kansas School District has established this 403(b) Tax Sheltered Annuity Plan in order to allow employees to supplement voluntarily the retirement plan benefits provided under the Public School Retirement System. In establishing this Plan, the Kansas City, Kansas School District desires to attract, reward and retain highly qualified, competent employees.

.2.1 Tax Sheltered Annuity Plan - Compliance

Kansas City, Kansas School District 403(b) Tax Sheltered Annuity Plan is intended to comply with Section 403(b) of the Internal Revenue Code and applicable rules and regulations issued by the Internal Revenue Service or other regulatory agencies.

.2.2 Tax Sheltered Annuity Plan - Contributions

All employee contributions to Kansas City, Kansas School District 403(b) Tax Sheltered Annuity Plan shall be made on a voluntary salary reduction basis by the eligible employees. No employer contributions will be made by Kansas City, Kansas School District.

.2.3 Tax Sheltered Annuity Plan - Investment Carriers

Upon retirement an employee may elect to purchase a tax deferred annuity to shelter accumulated disability leave payment as provided for in Section 403(b) of the Internal Revenue Code of 1954, as amended.

- .2.3.1 Kansas City, Kansas School District will not endorse any Investment Carrier; however, 403(b) Tax Sheltered Annuity Plan participants will be allowed to select from among a variety of participating Investment Carriers. The number of participating Investment Carriers available to participants may be limited by Kansas City, Kansas School District for administrative and/or employee communication purposes.

- .2.3.2 Investment Carriers shall establish and maintain all Kansas City, Kansas School District's 403(b) Tax Sheltered Annuity Plan accounts in conformity with section 403(b) of the Internal Revenue Code and in compliance with any related rules or applicable rules and regulations issued by the Internal Revenue Service and other regulatory agencies.

- .2.3.3 Investment Carriers shall abide by the 403(b) Tax Sheltered Annuity Plan Policy, Administrative Guidelines and Procedures established and maintained

by Kansas City, Kansas School District.

.2.4 Tax Sheltered Annuity Plan - Participants

Participants shall establish and maintain their Kansas City, Kansas School District's 403(b) Tax Sheltered Annuity Plan accounts in conformity with section 403(b) of the Internal Revenue Code and in compliance with any related rules or applicable rules and regulations issued by the Internal Revenue Service and other regulatory agencies. Participants shall abide by the 403(b) Tax Sheltered Annuity Plan Policy, Administrative Guidelines and Procedures established and maintained by Kansas City, Kansas School District.

.2.5 Tax Sheltered Annuity Plan - Guidelines and Procedures

Kansas City, Kansas School District will develop and maintain administrative guidelines and procedures for the operation of Kansas City, Kansas School District's 403(b) Tax Sheltered Annuity Plan. The guidelines and procedures shall be consistent with the Board of Education policies established herein.

.3.0 Section 125 -- Cafeteria Plan

The Board shall establish a flexible benefit plan intended to qualify as a "Cafeteria Plan" within the meaning of Section 125 (d) of the Internal Revenue Code of 1954 as amended, to provide for each employee who is employed not less than 30 hours per week, with a choice of receiving certain taxable and tax-free benefits provided by the Board.

.3.1 Board Purchased Single Medical Insurance

The Board of Education shall purchase for all employees employed for not less than thirty (30) hours a week a single medical insurance policy from a carrier selected by the Board, or pay an equal amount toward the purchase of an optional medical insurance policy offered by the same carrier.

.3.1.1 Exclusions

The following categories of employees are excluded from participating in the plan provided under terms of policy 4.1.19.3.0 et seq.

Substitute Employees and Part-time Employees

Skilled Craft Employees whose salary schedules are adjusted in accord with the "prevailing wage" scale of the Kansas City area, hired prior to July 1, 1998.

ATS Instructional Technicians

.3.2 Continued Monthly Allocations After Disability Leave Benefits Are Exhausted

For any employee who is not receiving salary compensation due to absence from duty because of personal sickness or injury of the employee and exhaustion of all disability leave benefits, the Board shall continue the payments specified in 4.1.19.3.1 above for six (6) months from the month in which disability leave benefits are exhausted. No payment shall be made after separation of such employee's employment with the district.

.3.3 Voluntary Salary Reduction

An employee shall be entitled once annually on forms provided by the Board to elect to have a portion of the employee's salary used to purchase a benefit or benefits under the plan. Such reduction shall be applied to the employee's salary before federal and state income tax is deducted.

.3.4 Plan Benefits

Optional benefits to be offered shall include at least the following:

- (a) Medical and Dental Insurance
- (b) Group Term Life Insurance
- (c) Salary Protection Insurance
- (d) Other appropriate miscellaneous coverage

Selection of any option(s) by an employee shall be permitted upon original employment and, thereafter, prior to the beginning of each succeeding fiscal year. An employee shall be permitted to change options once during the fiscal year to the extent allowed by law.

.3.5 Husband/Wife Combination Option of Medical Insurance Allocation

If both husband and wife are covered employees in the district, they may combine the monthly payment under 4.1.19.3.1. toward the purchase of medical insurance under the plan.

.3.6 Board of Education Obligations

.3.6.1 The Board shall be the Plan Administrator. All policies included in the plan shall be held by the Board.

.3.6.2 Select the benefits and carrier.

.3.6.3 Have the option of including in the total group, any or all specifically identifiable employee classifications except that rates shall not be increased for teachers as a consequence of including any specific employee group.

.3.6.4 Develop and administer detailed guidelines as necessary for the operation of the program.

.4.2 Kansas Public Employees' Retirement System

.4.2.1 New Employees and Transfers

All employees employed after January 1, 1964 and eligible for coverage under the terms of the Kansas Public Employees Retirement Act, and employees who have transferred to that system under the requirements of the law are fully subject to all provisions of that act and are entirely excluded from any benefits under the terms of the Kansas City, Kansas Public School Employees Retirement Act.

.4.3 Social Security Benefits

All qualifying employees are included in the federal social security program.

.5.0 Legal Protection of Employees

.5.1 Reporting of and Response to Altercations

In the event of any altercation in the classroom, school buildings, grounds, or any other place an employee is required to perform employee duties involving an assault upon the employee or any actual or threaten violence to person or property during the school day including any extracurricular or other school activity functions, the employee will immediately report such altercation or threat to his immediate available supervisor who will advise the Superintendent or his designated representative.

An employee may use reasonable and necessary physical force to restrain a pupil in order to protect self, other persons, prevent the destruction of property, or to prevent any illegal overt act on the part of the pupil.

.5.2 Request for Legal Counsel

Any employee involved in any situation described in paragraph .5.1 may request of the Board and the Board will provide legal counsel to advise the employee of his/her rights and obligations with respect to any such altercation.

.5.3 Legal Assistance

In the event any altercation or incident described in paragraph .5.1 should result in the filing of a criminal complaint under the city ordinances and/or state statutes against a student or other person, the Board shall promptly render all reasonable assistance to the employee in connection with the prosecution of any such complaint.

.5.4 Legal Assistance in Criminal Action

If a criminal complaint under the city ordinances or state statutes of a civil proceeding is filed against an employee arising out of any situation described in paragraph .5.1, the employee may request the Board to provide legal counsel and assistance in his/her defense. The decision of the Board upon any such request shall be final.

.5.5 No Loss of Time

The time away from school duties by an employee by reason of the legal proceedings involved in the prosecution of a criminal complaint against a student or other person and during those times when the Board shall furnish legal assistance to an employee as described in paragraph .5.4 above shall not be charged against the employee.

.5.6 Reimbursement for Certain Losses

The Board will reimburse employees for any damage or destruction of clothing or personal property of the employee occurring as a result of assault upon an employee while on duty in the school or any other place the employee is required to

perform professional duties, not to exceed \$250. Losses insured by the employee will not be reimbursed.

.6.0 Payroll Deductions

Upon written authorization from the individual employee, deductions will be made for such purposes as may be approved by the Superintendent but limited to the following except as otherwise authorized by the Board.

.6.1 Charitable Organizations

United Community Fund

.6.2 Credit Unions

Midwest Regional Credit Union
Wyandotte Credit Union

.6.3 Voluntary salary reduction contribution to cover benefits under Policy 4.1.19.3.4.

.7.0 Protection of Rights

.7.1 Protection of Rights in Reassignment and Transfer

No employee who is transferred or reassigned shall by reason thereof be deprived of rights based on length of service or leave provisions. Salary schedule placement shall be based on the nature of the new assignment.

.8.0 Chemical Dependency

Chemical dependency is recognized as a treatable health problem. An employee who is so diagnosed by a physician shall receive the same consideration and opportunity for treatment that is extended to employees with other types of health problems. The Board's responsibility for chemical dependency is limited to its effect on the employee's job performance. For purposes of this provision, chemical dependency is defined as a health problem in which an employee's use of a health problem in which an employee's use of mind-altering chemicals repeatedly interferes with job performance and adversely affects health. An employee with chemical dependency will not have job security or promotional opportunity affected either by the diagnosis itself or by the employee's request for treatment.

If the employee refuses to accepted diagnosis and treatment by an attending physician, or fails to cooperate with treatment, and the result of such refusal or failure is such that job performance continues to be affected, the employee's status as an employee will be handled in the same way that similar refusal or treatment failure would be handled for any other health problem. Implementation of this provision will not require or result in any special regulations, privileges, or exemptions from the standard administrative practice applicable to job performance requirements.

The confidential nature of the medical records of an employee with chemical dependency shall be preserved.

4.1.20.0.0 Absences, Leaves, Vacations

.1.0 Disability Leave

1.1 Defined

Disability leave may be used for absences from duty caused by personal sickness or injury of the employee or the employee's dependent children. A child shall be deemed a dependent child of the employee seeking leave if the child is under the age of twenty-three (23) and the employee claimed the child as a dependent on his/her tax return for the calendar year immediately preceding the year for which leave is sought. An employee may be required to submit proof of such dependency upon the submission of a leave request.

An employee may also use disability leave for a child not claimed on the employer's income-tax return for the calendar year immediately preceding the term of the leave request if the child is a relative of the employee, under the age of 19. For use of this disability leave provision, the term relative means (1) the employee's birth child, stepchild, adopted child; or (2) a child who lived in the employee's home as a family member if placed by an authorized placement agency for legal adoption; or (3) a foster child, any child for whom the employee has legal guardianship.

An employee who has been employed for the previous 12 months may also use disability leave because of the serious health condition of the employee's spouse or employee's parent. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in the hospital, hospice, or residential care facility or which requires continuing treatment by a health care provider.

Absences for one-half (½) day or less shall be charged against available leave as one-half (½) day. Absences for less than a day but more than one (½) shall be charged against available leave as one (1) day. Absence due to sickness or injury of an employee's dependent children or the serious health condition of an employee's spouse or parent shall be limited to a total of seven (7) days annually. The term "days" as used herein is defined as days on which the employee drawing disability leave would normally have reported for duty.

.1.2 Coverage

Disability leave benefits are extended to all employees whose employment provides for at least 30 hours per week, except as otherwise noted in the policies of the Board.

.1.2.1 Persons employed prior to June 1, 1982 as aides under Title I of the Elementary and Secondary Education Act or its successor and whose work assignment has been reduced to less than full time, shall continue to receive all benefits of the provisions of policy 4.1.20.1.0 et seq., except that both accumulation of days under paragraph .20.1.5 and the deduction of any days of absence under paragraph .20.1.1 shall be on a full-day basis so long as either the regularly assigned time of duty shall be four hours or more. No disability leave benefits shall be granted to aides employed under Title I after June 1, 1982 who are employed for less than full time.

.1.3 Annual Allowance

Employees whose work year does not exceed 205 days shall be allowed annual disability leave at the rate of 10 days per school year. Employees 206 to 239 days shall be allowed 12 days per school year; employees 240 days or over shall be allowed 14 days per school year. In the event an employee resigns during the work year, final salary payment shall be reduced for disability leave taken in excess of any disability leave accrued plus that which is credited during the year of resignation at the rate of one day per complete month of service.

.1.4 Initial Employment

Upon commencing service at the beginning of the first full year of school service, an employee shall be provisionally credited with 10, 12, or 14 days of disability leave in accord with provision of .1.3. In the event of termination of services during the first year of employment, adjustment in the final salary payment shall be such as to provide for the allowance of a total number of disability leave days not in excess of one day per complete month of service. Employees commencing service during the school year shall be provisionally credited with 10, 12, or 14 days less one day for each preceding whole or major portion of a month not worked, beginning with September.

.1.5 Annual Accumulation

All prior unused disability leave shall be allowed to accumulate without limit.

.1.6 Current Days Use After Five Days' Service

Current days of disability leave are credited on, July 1, with eligibility commencing at beginning of work year but they may not be used until after the employee has been on duty for five consecutive days in the current year. This restriction does not apply to accumulated days. On the first duty day of any given year, all unused accumulated disability leave shall be available for use.

.1.7 Physician Statement May Be Required

Any employee absent due to illness or disability may be requested to present a licensed physician's statement indicating the nature of the illness or disability and the readiness of the employee to resume his/her duties. Such certification shall be secured at the employee's expense.

.1.7.1 Any employee absent more than five consecutive days due to illness or disability shall represent a statement from a physician licensed to practice medicine, indicating the nature of the illness or disability and the readiness of the employee to resume his/her duties. Such certification shall be secured at the employee's expense.

.1.7.2 Any request for disability leave benefits for any absence in excess of twenty (20) working days for the same disability shall be accompanied by a comprehensive statement by a licensed physician stipulating the nature of the illness or disability necessitating the extended absence. Such statement shall be presented to the Superintendent on or before the 520th day of absence. Further review and examination by a committee of three licensed physicians employed by the Board may be required for allowance of time in excess of

twenty (20) working days.

.1.8 Superintendent Review

Final decision on cases not directly covered by these regulations shall be left to the discretion of the Superintendent.

.1.9 Loss or Preservation of Disability Leave Upon Termination

Termination of employment shall automatically void all accumulated days of disability leave.

.1.9.1 An employee who resigns in good standing from the district and then is re-employed may retain accumulated disability leave if he/she returns to work or is given a contract to return to work within (24) twenty-four months after termination of former employment.

.1.10 Abuse or Misuse of Leave

No salary shall be paid for any day's absence for which a disability is falsely reported as the cause of absence. Discipline for such violations shall be in accord with general discipline regulations.

.1.11 Credit Upon Retirement or Death

Upon retirement or death, an employee or in the event of death, the employee's estate, shall be eligible to receive a lump sum payment for accumulated unused disability leave based on the following formula:

Total accumulated unused disability leave (not to exceed the maximum accumulation of disability leave allowed) x .75 x the base salary rate for the salary schedule class in which the employee is classified at the time of retirement or death.

The maximum number of accumulated unused disability leave days for which payment may be made in accord with the above formula shall be limited as follows:

185-205 days of employment, 120 days allowed.
206-239 days of employment, 132 days allowed.
240 or more days of employment, 144 days allowed.

Employees who resign from the District after completing thirty (30) years of service in the District or twenty (20) years of service in the District and are 55 years of age shall also be eligible to receive a lump sum payment for accumulated unused disability leave based on the above-stated formula.

For any employee not paid on the basis of a salary schedule classification, the base rate for payment of accumulated leave time under this provision shall be calculated at 66% of the individual's salary rate at the time of retirement or death. Any payment under this provision to an employee's estate shall be made to the court-appointed fiduciary (executor, administrator, or other designee) of the decedent's estate.

Any individual initially employed by the district as an employee after July 31, 1996, shall not be eligible for the payment as described in this provision. (4.1.20.1.11)

.1.12 Injury When on Duty

General Rule:

Work-related injury: Except as provided in the circumstances below, absence due to injury incurred while an employee is on duty shall not be charged against the employee's disability leave days if the employee is receiving temporary total or temporary partial workers' compensation benefits.

Exceptions to the General Rule:

Restraint/Assault work-related injuries. An employee who is injured while physically restraining a student or who is injured as the victim of an assault while on duty shall receive, for the length of the disability or until June 30 of the current fiscal year, whichever is shorter, Differential Pay in an amount equal to the difference between the employee's regular wage and the amount of worker's compensation temporary total disability payments ("Differential Pay"). In this situation, Differential Pay shall not be charged against the employee's disability leave.

Employee Request. Upon written request, an employee shall receive Differential Pay for the length of the absence from work resulting from a temporary disability or until the end of the fiscal year (July 1 - June 30), whichever is shorter, provided that the employee has unused disability leave days and the employee's disability leave is charged at not less than 0.5 day increments for each day that Differential Pay is received.

Extension period. If at the end of the fiscal year, the employee remains absent from work as a result of a temporary disability and if the employee has unused disability leave days, the employee may make a written request to extend the payment of the period of Differential Pay under the preceding section. Additionally, employees who are on leave under the Restraint/Assault work-related injuries section of this policy may seek an extension of such benefits by making a written request to the Assistant Superintendent of Personnel at least 10 days prior to the extinguishment of such benefits.

.1.13 Statement of Accumulated Leave

A statement of accumulated disability leave shall be provided each employee on each payroll warrant. Such statement is informational only and not made or given as a warranty of the number of days stated. Each employee shall be solely responsible for determining the accuracy of the statement. The Board shall not be liable for errors, mistakes or failure to provide the statement unless due to intentional or willful fault on the part of the Board.

.1.14 Superintendent May Require Examination

In the event of apparent physical or mental illness or disability of any employee, the Superintendent may require an examination by a competent practitioner specified by the Superintendent. In such cases, the cost of the examination shall be paid by the Board.

.1.15 Continued Employment Under Disability Leave

Any employee who is absent from duty because of illness or injury and is eligible to receive benefits of the disability leave policy (4.1.20.0 et seq.) shall be retained on the active payroll as an employee for such period of time as annual and accumulated disability leave days are available. If the return to work, in accord with 4.1.20.1.7, is prior to the expiration of current and accumulated disability leave time, the employee shall be returned to active employment in the same or similar duty assignment.

.1.16 Expiration of Disability Leave Benefits

Employment of any employee shall terminate upon the expiration of current and accumulated disability leave time except that the rights of continued employment may be extended under terms of unpaid health leave (4.1.20.2.0). Terms of such leave shall be in writing as authorized by the Superintendent.

.1.17 Termination of Disability Leave Payments

All payments of wages under terms of the disability leave policy (4.1.20.1.0 et set.) shall terminate if the employee is gainfully employed by any employer other than USD No. 500 or is engaged in gainful self-employment.

.2.0 Health Leave

Any employee who is unable to perform the duties of his assigned position because of personal illness or physical disability and who has exhausted all available current and accumulated disability leave shall be granted upon request a leave of absence without pay for an additional 20 working days. Health leave may, upon recommendation of the Superintendent and with approval of the Board, be extended beyond 20 days but any such extension shall be for a specific number of additional days and a return to active employment shall be in accord with the terms of 4.1.20.1.7. Failure or inability of the employee to return to work upon expiration of the health leave shall terminate employment.

.3.0 Professional Leave

An employee may be granted professional leave with pay to attend seminars, conferences, meetings, and workshops directly related to the employee's job with the district. Professional leave shall not be granted for the purpose of attending classes for completing degrees or certification requirements. Application for professional leave shall be made in writing to the Superintendent or his designated representative at least five (5) working days in advance of the absence.

.5.0 Legal Commitments and Jury Duty

.5.1 Jury Duty With Pay

Whenever an employee is required to perform services as a juror, said employee shall be paid full salary for the period of such services provided that:

- .5.1.1 The Board is notified at least three (3) days in advance of the absence that a jury summons has been received.

.5.1.2 The Board receives a statement from the employee listing the days of such service and the court in which the service was performed.

.5.1.3 The employee presents to the Board within 60 days the endorsed (uncashed) check issued by the court for the number of days of such service.

.5.2 Jury Fee Retained by Board

The proceeds of the court payment shall be retained by the Board.

.5.3 Use for Court Summons

Emergency leave may be granted in order to meet the requirements of a court summons as a witness when the employee is not a litigant. Such absence shall not be deducted from accumulated disability leave time.

.6.0 Emergency Leave

.6.1 Five-Day Maximum - Advance Approval

A maximum of five days' absence without deduction in pay during any work year may be allowed for reasons of emergency as defined in paragraph 2. Whenever possible, requests for approval of an absence under emergency leave shall be made in writing on a district leave request form to the Personnel Office prior to the absence. If the nature of the emergency does not allow for a written request prior to the absence, the employees shall file the proper form within three (3) work days of returning to work after the absence. In all cases where a prior written request is not made, the employee shall notify his/her immediate supervisor of the absence on or before the first day of the absence. Emergency leave shall be approved by the Assistant Superintendent for Personnel or his/her designated representative.

.6.2 Emergency Leave Defined

Emergency leave shall be granted for reasons of critical illness in the immediate family or for absences which are not a consequence of the choice or actions of the employee. Emergency leave shall terminate when the event giving rise to the leave no longer exists. The following circumstances are examples of events which DO NOT qualify as emergency leave:

- a. Recreational activities
- b. Accompanying spouse on business or vacation
- c. Routine medical or dental matters
- d. Working for another person or business
- e. Interviews for employment
- f. Examinations by a college or university
- g. To attend to legal matters
- h. Personal illness
- i. Problems associated with transportation to work.

.6.3 Availability for Duty Required

Emergency leave will be granted only to those employees who are available for

duty

in the Kansas City, Kansas area at the time of emergency.

.6.4 No Accumulation

Emergency leave shall not accumulate.

.6.5 Immediate Family Defined

As used herein, "immediate family" shall designate the employee's spouse, children, parents, brothers, and sisters, grandparents, grandchildren, and spouse's parents.

.6.6 Deducted from Disability Leave Time

Any day taken as emergency leave shall be deducted from current or accumulated disability leave time.

.6.7 Critical Illness Defined

Critical illness as used herein shall not be understood to include normal care for family members, but includes such illness or injury as to produce a life-threatening condition and is so verified by medical report of the attending physician.

.9.0 Military Leave

.9.1 Required for Drafted Personnel

A military leave of absence shall be granted to any employee who shall be drafted for military duty in any branch of the armed forces of the United States. Upon return from such leave, the employee shall be placed at the same position on the salary schedule as he/she would have been had he/she worked in the district during such period. Such leave shall not extend more than three months beyond the period of compulsory service.

.9.3 Required Temporary Military Duty for Emergency

.9.3.1 An employee who is a member of the National Guard, or of the Army, Navy, Air Force, or Marine Corps Reserves and who is required to report for an active duty period by reason of emergency declared by the President or the Governor, shall be granted temporary military duty leave for a maximum of ten (10) duty days per contract year, provided that leave time under this agreement shall not accumulate.

.9.3.2 Leave for temporary military duty shall be provided to all employees called up for temporary service who provide within three days after return of such service official military orders demonstrating the employee's call to duty. Employee's who comply with this provision shall be compensated at a rate equal to the employee's full salary less the amount the employee is compensated for the days of military service while on leave from the school district

.9.4 Temporary Training Duty

An employee who is a member of the National Guard, or of the Army, Navy, Air

Force or Marine Corps Reserves and who is required to report for an active duty period for training purposes required to retain such membership shall be granted temporary military training duty leave for a maximum of fifteen (15) duty days per contract year. If the employee's military pay is less than his/her regular pay during the period approved for temporary military training duty leave, the employee will be paid the difference between his/her military pay and his/her employee's pay.

.9.5 No Deduction From Disability Leave

For the purpose of computing disability leave, Required Temporary Military Duty Leave for Emergency (9.3.) and Temporary Training Duty Leave (9.4.) shall count as full service with the school district.

.9.6 Employee Position Preserved

Upon return from Required Temporary Military Duty Leave for Emergency or Temporary Training Duty Leave, an employee will be returned to a position with the school district.

.10.0 Authorized Absence

An employee may be granted three (3) days of authorized absence for personal reasons without pay during any school year for activities which cannot reasonably be performed outside of the regular duty hours or on a non-school day.

.10.1 Limitation

Such authorization shall not be granted on any day preceding or following a holiday, holiday weekend, or any vacation period including the opening and closing days of the school year.

.10.2 Application Required

Application for authorized absence shall be made in writing at least two (2) days in advance of the absence and stating the reasons which necessitate the leave.

.10.3 Extension

Extension of authorized absence beyond three (3) days may be granted without pay when such extension is considered by the Superintendent as in the best interest of the school district.

.10.4 Non-Accumulative

Authorized absence days shall be non-accumulative.

.10.5 Subject to Approval by Superintendent

Approval of authorized absence shall be by the Superintendent or his designated representative.

.11.0 Unauthorized Absence

.11.1 Definition

An unauthorized absence is defined as any absence by an employee for reasons not authorized in the policies of the Board and without approval of the employee's immediate supervisor or other administrative staff responsible for approval of leaves.

.11.2 Termination for Reason of Unauthorized Absence

Any employee who has two (2) consecutive days of unauthorized absences or five (5) days of unauthorized absences in any fiscal year may be terminated due to conduct demonstrating cause as defined under Board policy or non-performance of duties. Employees terminated due to unauthorized absence shall not be entitled to terminal pay as provided in 4.1.12.3.2.

.12.0 Bereavement Leave

.12.1 Three-Day Maximum Per Occurrence

A maximum of three days absence per occurrence or (five (5) days if the distance is more than 400 miles, one way) without deduction in pay during any year may be allowed for reasons of death in the immediate family as defined herein.

.12.2 Immediate Family Defined

As used herein, "immediate family" shall designated the employees spouse, children, parents, brothers, sisters, grandparents, grandchildren, and spouse's parents, grandparents, grandchildren, and brothers and sisters by blood or marriage.

.12.3 No Accumulation

Bereavement leave time shall not accumulate.

.12.4 Written Request and Approval

Any request for bereavement leave shall be in writing. Approval shall be granted by the Superintendent or his designated representative.

.13.0 Vacations

Paid vacation shall be provided for all employees who are employed in a full-time position requiring service 12 months per year in the specific position. Such vacation shall be scheduled at the convenience of the Board.

.13.1 Number of Days Allowed

Ten days of vacation time shall be allowed per year for full-time non-certified employees for each of the first five years of employment.

.13.1.1 Upon commencing service, any non-certified employee eligible for vacation time shall commence accumulation of vacation time at the rate of 5/6 of a day for each whole or major portion of a month to be worked, prior to the next

July 1.

.13.2 Additional Days Allowed

One additional vacation day shall be allowed per year for non-certified employees for each year beyond five years of employment up to a maximum of twenty vacation days per year after fifteen years of employment.

- .13.2.1 Accumulation of additional vacation days shall commence July 1 of the sixth year of employment at the rate of one-half day for each six months of service. No additional vacation time shall be granted for less than six months of service.

.13.3 Reclassification of Employees to Full-Time Positions

In the event of reclassification of an employee from a position of less than 12 months to a full-time position as described above, addition of vacation days beyond the ten-day minimum shall be granted only for years in which the individual is employed on a twelve-month basis.

.13.4 Six-Month Employment Required

No vacation time shall be drawn prior to six months of continuous employment and no vacation time shall be allowed prior to its accumulation.

.13.5 Unused Vacation Time/Limits on Carry Forward Vacation Time

Vacation days of one contract year (July 1-June 30) may not be extended beyond the end of the next contract year. Any exception must be approved by the Superintendent or his designated representative.

- .13.5.1 The Board has provided vacation leave for 12 month employees to allow for relaxation and rejuvenation from the demands of the job. The Board strongly encourages all employees to use their yearly allotment of vacation days within the year in which they are earned.

.14.0 Personal Leave

.14.1 Two Day Leave

A two (2) day absence without deduction in pay during any year may be allowed for personal leave for persons who work 30 or more hours per week.

.14.2 Approval of Leave

To be classified as personal leave, authorization must be secured prior to the day leave is taken except for instance of emergency. Employees desiring to use personal leave shall submit their requests in writing at least (5) working days in advance of the anticipated absences. In cases of an emergency not covered, such leave must be made to the principal or immediate supervisor on or before the day of leave by the normal absence reporting procedures, and a written request must be submitted within three (3) days of the absence. All requests for personal leave must be submitted to

the office of the Superintendent or his/her designated representative.

.14.3 Limitation

Personal leave shall not be used for seeking other employment, rendering services, for working with or without remuneration for themselves nor for anyone else, for hunting, for fishing, no other recreational activities, nor because of severe weather when school is in session. Such leave shall not be granted for the first eight (8) nor the last five (5) duty days of the employee's work year, nor on the first duty day preceding or following a holiday or non-working day; nor on any in-service days.

.14.4 No Accumulation

Personal leave time shall not accumulate.

.14.5 Right to Reject

The district reserves the right to refuse requests on any given day due to the number of other absences or the demands of the employee's job. Approval will be granted in the order of application except for clear emergency situations.

.14.6 Excluded Groups

See Policy 4.1.2.1.0, Priority of Special Agreements

.16.0 Political Leave

.16.1 Candidacy for Public Office

Any employee shall have the right to become a candidate for public office and to serve in such elective office unless there is a legal prohibition. An unpaid leave of absence not to exceed two years shall be granted to any employee upon application for the purpose of campaigning for, or serving in, a public office. Such leave may be extended by mutual agreement of the employee and the Board.

.16.2 Litigations

No employee shall, during the hours for which pay is received, use such time for solicitation, promotion, election, or defeat of any candidate for public office.

.16.3 Use of District Facilities/Students Prohibited

No employee shall use the classrooms, schools, or students for the purpose of solicitation, promotion, election, or defeat of any candidate for public office.

.16.4 Use of District Equipment/Supplies Prohibited

No employee shall use school equipment or supplies for the purpose of solicitation, promotion, election, or defeat of any candidate for public office.

.16.5 Reinstatement

Reinstatement of an employee on political leave shall be made when a suitable opening is available. Nothing herein shall be interpreted to assure an employee of a position or building assignment identical to that previously held.

.18.0 Employee Early Separation Program

.18.1 Eligibility. To participate in the Early Separation Program, the employee must meet all of the following eligibility criteria:

- .1.1 The individual must be an employee of the district.
- .1.2 The individual must be at least fifty-five(55) and no more than sixty-one (61) years old.
- .1.3 The individual must have completed twenty-five (25 years of experience as an employee of a school district with at least ten (10) consecutive years in USD 500 with the ten consecutive years in USD.500 having been the individual's final years before early separation.
- .1.4 The individual must submit to the Personnel Office a completed Early Separation Application on or before June 30 of the year in which separation is to begin.
- .1.5 This Early Separation Program does not apply to any employee who is eligible for the Board's Early Separation Program under policy 4.2.20.18.0.

.18.2 Year of Experience

A year of experience is full-time employment for at least 160 days of a calendar year between July 1 - June 30. Previous experience listed as part-time shall be evaluated by the Superintendent or his/her designated representative to determine how much if any, of the time will be credited as experience to meet the requirements of the Early Separation Policy.

.18.3 Benefit

- .3.1 Employees approved for early separation shall be provided a single medical insurance from a carrier selected by the Board.
- .3.2 If the employee locates in an area where the selected carrier does not provide coverage, the Board will be under no obligation to provide alternative medical insurance coverage and no such coverage will be provided.
- .3.3 Employees approved for early separation shall begin receiving the benefit in July of the year separation begins, and the benefit shall end on the earlier of: (a) the first day of the month immediately following the month in which the employee dies, (b) the first day of the month following the seventh anniversary of the date of the employee's separation, or (c) the first day of the month the employee becomes sixty-five (65) years of age.

.19.0 Family and Medical Leave

This policy covers all leaves due to illness, injury or family leave under the Family and Medical Leave Act of 1993. Employees who have been employed for at least twelve (12) months with the district and who have at least 1,250 hours of service during the previous 12-month period are eligible for up to twelve (12) weeks unpaid (can be paid leave, depending on employees available benefits to cover absences and purpose for leave) Family and Medical Leave for the following reasons:

To care for newborn son or daughter;

The placement of a son or daughter with the employee for adoption or foster care;

To care for the spouse, son, daughter, or parent of the employee when such individual has a serious health condition,

Because of a serious health condition that makes the employee unable to perform the essential functions of his/her job.

Because of qualifying exigencies related to a spouse, son, daughter, or parent that is on military active duty.

.19.1 Birth, Adoption or Foster Placement of a Child

.19.1.1 Family and Medical Leave requested because of the birth, adoption or foster placement of a child will only be allowed during the first 12 months immediately following the birth, adoption or placement.

.19.1.2 Where spouses are employed by the district, the aggregate number of workweeks of leave go to which both may be entitled is limited to 12 workweeks between them during any 12-month period.

.19.1.3 Leave under this provision will not be granted on an intermittent basis or reduced-hour basis except as approved by the Superintendent or designee in his/her discretion.

.19.2 Serious Health Condition of Employee or Family

.19.2.1 A "serious" health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in the hospital, hospice, or residential care facility or which requires continuing treatment by a health care provider.

.19.2.2 Where spouses are employed by the district, the aggregate number of workweeks of leave to care for a parent is limited to 12 workweeks between them during any 12-month period.

.19.2.3 Leave taken under this provision may be taken intermittently or on a reduced leave schedule when medically necessary. The district reserves the right to transfer the employee requesting an intermittent or reduced leave schedule to an alternative position with equal pay during any period of intermittent leave.

.19.2.4 The district requires a written and prompt medical certification from the treating physician or from an independent health care provider on a form provided by the district (Form III) to verify the medical necessity of leave under this provision. If an employee fails to provide medical certification, the leave may be denied until the certification is received.

.19.3 Employee Notice Requirement

An employee who intends or anticipates leave under this policy must notify the district, in writing, not less than 30 days before the date the leave is to begin. In emergency or unanticipated circumstances, the employee must notify the district, in writing, of his/her intent to seek leave as soon as practicable. If an employee fails to provide a timely written notice (30 days) in circumstances where the leave is foreseeable, the leave can be delayed for 30 days.

.19.4 Health Insurance

An employee taking Family and Medical Leave will continue under the district's group health plan at the same level as if the employee continued working. An employee taking such leave must arrange for payment of the employee's contribution to the group health plan on a timely basis before or during the leave. Unless caused by circumstances beyond his/her control, an employee who fails to return from Family or Medical Leave in a timely manner will be required to reimburse the district for the premiums paid by the district during the leave period.

.19.5 Return to Work

An employee returning from Family and Medical Leave shall be reinstated to his/her former position or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. A reinstated employee will not accrue seniority or other employment benefits (other than group health coverage) during any period of leave under this policy. The determination of how an employee is to be restored to an equivalent position upon return from Family and Medical Leave will be made on the basis of applicable district personnel policies or collective bargaining agreements.

.19.6 Fitness for Duty Certification

All employees returning from a leave under this policy because of their own serious health condition shall be required to provide the district with a fitness for duty certification from their physician indicating that they are able to resume work. Failure to provide a fitness for duty certification can result in the denial of reinstatement until the fitness for duty certification is forthcoming.

.19.7 Compliance with Family and Medical Leave Act

This policy is intended to comport with the provision of the Family and Medical Leave Act of 1993. Nothing in this policy shall be construed to create any additional rights to leave and/or benefits beyond that mandated by federal law.

.19.8 Paid Leave Substitution

- .19.8.1 Employees requesting leave because of the birth or adoption of a child shall be required to substitute for the leave allowed under this policy any accrued paid vacation leave, emergency leave or personal leave that the employee has accrued under other personnel policies of the district.

.19.8.2 Any employee requesting leave in order to care for a seriously ill spouse, parent or child or because of the employee's own serious health condition shall be required to substitute for the leave allowed under this policy any accrued paid vacation leave, emergency leave, personal leave, and applicable disability leave that the employee has accrued under the personnel policies of the district.

.19.9 Employee Notice of Intent Not to Return to Work

If an employee unequivocally advises the district that he/she will not return to work the employment relationship will be severed in accordance with other applicable personnel policies.

.19.10 Special Rules for Instructional Employees

Special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of a semester by instructional employees. "Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or any individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants.

It does not include and the special rules do not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

.19.10.1 Intermittent or Reduced-Schedule Leave

If an instructional employee who becomes entitled to intermittent or reduced-scheduled leave under this policy would be absent for more than twenty percent (20%) of the total working days in the period in question, the employee can be required to elect either leave for a particular duration in lieu of intermittent or reduced-schedule leave, or to temporarily transfer to an available alternative position that can better accommodate the recurring leave. The employee must be qualified for the position, and the employee must be provided with equivalent pay and benefits.

.19.10.2 End of School Semester Leave

If leave occurs more than five (5) weeks before the end of the school semester but would end during the last three weeks of the school semester, the employee can be required to stay on leave for the balance of the school semester. If the leave begins less than five (5) weeks before the end of the school semester and the leave would end in the last two weeks of the school semester, the employee can be required to stay on leave for the duration of the school semester. And, if the leave occurs less than three (3) weeks before the end of the school semester and lasts more than five (5) days, the employee can be required to stay on leave for the duration of the school semester.

.19.11 District Notice Requirements

The district shall post and keep posted in its facilities, in conspicuous places where the employees are employed, a notice explaining the Family and Medical Leave Act's provisions and providing information concerning procedures for filing complaints of violations of the Act (See Form 1). When an employee requests Family and Medical Leave, the district shall give the employee written guidance concerning the employee's rights and obligations under the Act and explaining the consequences of non-compliance. This information must include the following.-

A copy of the posted notice (Form 1)

A Family Medical Leave Act Fact Sheet prepared and approved by the U.S. Department of Labor (Form II);

Certification of physician or practitioner (Form III);

Response to employee request for Family and Medical Leave (Form IV).

.19.12 Qualifying Exigencies Related to Military Active Duty

.19.12.1 If a spouse, son, daughter, or parent given seven (7) or less calendar days' notice of an order to active duty, FMLA leave granted to an employee as a result of the short-notice deployment of a spouse, son, daughter, or parent will be limited to seven (7) calendar days.

.19.12.2 If a spouse, son, daughter, or parent suffers a serious injury or illness in the line of duty on active duty an eligible employee may take up to twenty-six (26) weeks to care for the seriously injured or ill service member.

4.1.21.0.0 Health and Welfare

.1.0 Infectious or Contagious Diseases

.1.1 Definitions

For purposes of this policy, infectious or contagious diseases shall be those diseases so designated by the Kansas Secretary of Health and Environment through rules and regulations. KAR 28-1-2 designates the following diseases as infectious or contagious:

- (1) Amebiasis;
- (2) Anthrax (report by telephone immediately to the secretary);
- (3) Botulism (report by telephone immediately to the secretary);
- (4) Brucellosis;
- (5) Campylobacter infections;
- (6) Chancroid (report by telephone immediately to the secretary);
- (7) Chlamydia trachomatis genital infection;
- (8) Cholera (report by telephone immediately to the secretary);
- (9) Cryptosporidiosis;
- (10) Diphtheria;
- (11) Encephalitis, infectious (indicate infectious agent whenever possible);

- (12) Ehrlichiosis;
- (13) Escherichia coli enteric infection from E. coli 0157:H7 and other enterohemorrhagic, enteropathogenic, and enteroinvasive E. coli.
- (14) Giardiasis;
- (15) Gonorrhea;
- (16) Haemophilus influenzae, invasive disease;
- (17) Hemolytic uremic syndrome, postdiarrheal;
- (18) Hepatitis, viral;
- (19) Hantavirus pulmonary syndrome;
- (20) Legionellosis;
- (21) Leprosy or Hansen's disease;
- (22) Listeriosis;
- (23) Lyme disease;
- (24) Malaria;
- (25) Measles or Rubeola (report by telephone immediately to the secretary);
- (26) Meningitis, bacterial (indicate causative agent, if known and report by telephone immediately to the secretary);
- (27) Meningococemia (report by telephone immediately to the secretary);
- (28) Mumps (report by telephone immediately to the secretary);
- (29) Pertussis or Whooping cough (report by telephone immediately to the secretary);
- (30) Plague (report by telephone immediately to the secretary);
- (31) Poliomyelitis (report by telephone immediately to the secretary);
- (32) Psittacosis;
- (33) Rabies, animal and human (report by telephone immediately to the secretary);
- (34) Rocky Mountain spotted fever;
- (35) Rubella, including congenital rubella syndrome (report by telephone immediately to the secretary);
- (36) Salmonellosis, including typhoid fever;
- (37) Shigellosis;
- (38) Streptococcal invasive disease from group A Streptococcus or Streptococcus pneumoniae;
- (39) Syphilis, including congenital syphilis;
- (40) Tetanus;
- (41) Toxic-shock syndrome, streptococcal and staphylococcal;
- (42) Trichinosis;
- (43) Tuberculosis (report by telephone immediately to the secretary);
- (44) Tularemia;
- (45) Varicella or chickenpox deaths;
- (46) Yellow fever, and
- (47) any exotic or newly recognized disease, and any disease unusual in incidence or behavior, known or suspected to be infectious or contagious and constituting a risk to the public health.

1.2 Suspension/Case by Case Determination

The determination of whether an employee reasonably suspected of suffering from an infectious or contagious disease, not excluded pursuant to 1.3 below, shall be permitted to remain employed in a capacity that involves contact with students or other employees shall be made on a case-by-case basis by a team composed of public health personnel, the school employee's physician, the school employee and/or the employee's representative, and appropriate school and medical personnel as determined by the Superintendent. In making this determination, the team shall

consider:

- a. the physical condition of the school employee:
- b. the expected type of interaction with others in the school system; and
- c. the impact on both the infected school employee and others in that setting.

Pending such determination, the employee shall not perform any duties involving contact with students or other employees. Determinations by a team shall be reviewed by the team at appropriate intervals.

Pursuant to K.S.A. 65-6002(d), information gathered during the determination process shall not be used in any form or manner which would lead to the discrimination against any individual or group with regard to employment, education, transportation, or for the provision of any other services provided by USD No. 500.

1.3 Exclusion

An employee suffering from an infectious or contagious disease who has uncoverable, oozing skin lesions or skin eruptions shall not be permitted to remain employed in any capacity which involves contact with students or other employees.

.1.4 Investigation

Whenever the Superintendent becomes aware of circumstances that give rise to a suspicion that an employee suffers from an infectious or contagious disease, the Superintendent promptly shall investigate or cause to be undertaken an investigation thereof. The suspected employee may be required to submit to a medical examination deemed appropriate by the Superintendent to aid in implementation of this policy. Until such medical examination and evaluation and a determination under 1.2 above have been made, the employee shall be removed from the school setting. Any person who believes that an employee suffers from an infectious or contagious disease shall so inform the Superintendent.

.1.5 Benefits Available Upon Termination

If the employment of an employee suffering from an infectious or contagious disease is discontinued, the employee shall be entitled to use any available leave and receive any available disability benefits.

.1.6 Privacy Rights

The Board respects the right to privacy of any employee who suffers from an infectious or contagious disease or condition. The medical condition of the employee should be disclosed only to the extent necessary to minimize the health and safety risks to the employee and others or as may be required by law. The number of personnel aware of the employee's condition will be kept at the minimum needed to detect situations in which the potential for transmission may increase. Persons deemed to have a direct need to know will be provided with appropriate information, provided such person shall not further disclose such information.

.1.7 Duty to Report

Pursuant to KA 65-118, any employee of the district who knows or has information indicating that a district student, employee, or other individual who interacts with district students or employees is suffering from or has died from an infectious or contagious disease other than Acquired Immune Deficiency Syndrome (AIDS) shall report such information to the Superintendent who shall inform the City-County health officer. Pursuant to K.S.A. 65-128, for purposes of this reporting requirement, AIDS shall not constitute an infectious or contagious disease.

Information required to be reported under this policy shall be confidential and shall not be disclosed or made public except as specified in KA 65-118.

.1.8 Final Decision by Board

In each case, the Board shall reserve the right to make a final decision regarding the status of an employee suffering from an infectious or contagious disease. Prior to making such decision, the employee and other interested persons may present such additional evidence or information to the Board as is deemed appropriate.

.1.9 Other Procedures

This policy shall not limit any other actions which may be taken or which are required to be taken under Board policy or applicable law, rule or regulation relative to infectious or contagious diseases or any other health or safety risk.

.2.0 Bloodborne Pathogens Exposure Control

The Kansas Department of Human Resources (KDHR) has taken the position that local governments, including school districts, must adhere to the OSHA Bloodborne Pathogen Standard, 29 CFR 1910, 1030. Under KA 44-636, KDHR has broad authority to enter the workplace and inspect for "the methods of protection from danger to employees and sanitary conditions. KDHR can enforce compliance through civil penalties.

For purposes of this policy, "occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral (Piercing mucous membranes or the skin barrier through needle sticks, human bites, cuts, abrasions, etc.) contact with blood or other potentially infectious materials (OPIMs) that may result from the performance of the employee's duties. OPIMs include bloody fluids such as semen, vaginal secretions, respiratory discharge, tears, vomitus, urine, feces, saliva in dental procedures, etc.

"Universal Precaution" is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV) or Hepatitis B Virus (HBV).

.2.1 Exposure Determination

OSHA requires employers to perform an exposure determination to identify categories of employees that may incur occupational exposure to blood or other

potentially infectious materials (OPIMs). The exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed, even if they wear personal protective equipment). The following job classifications have been determined to incur occupational exposure, regardless of frequency.

.2.1.1 Category I - High Risk:

- a. Nurses
- b. Coaches
- c. Assistant Coaches
- d. Teachers, Support Personnel and Paraprofessionals or Students in the following special education categories:
 - Severely and Multiple Disabled
 - Orthopedically Disabled
 - Autistic and Behavioral Communication (ABC)
- e. Teachers of Students with Identified Health Risks
- f. Physical Education Teachers
- g. Elementary Secretaries
- h. Bus Drivers
- I. Custodians

.2.1.2 Category II - Low Risk (Occupational Exposure)

Employees in the following categories may have some occupational exposure to blood or OPIMs if they perform tasks or procedures which include emergency first aid:

- a. Teachers
- b. School Office Staff
- c. Security
- d. Principals
- e. Other Paraprofessionals

.2.2 Implementation Schedule and Methodology

The following practices and guidelines meet OSHA requirements for compliance with standards and should be employed at all times when providing care for all student/staff, regardless of the presence or absence of a known infectious disease.

.2.2.1 Staff should avoid contact with body fluids. If a student/staff member emits body fluids, he/she should be encouraged to clean himself/herself. If the person requires assistance, the teacher, paraprofessional, health professional or other staff member who is supervising at the time of the incident will be responsible to assure that the student/staff member is cleaned using "universal precautions."

.2.2.2 Regulated waste means liquid or semi-liquid blood or OPIMS- contaminated items that would release blood or OPIMS in a liquid or semi-liquid state if compressed, items that are caked with dried blood or OPIMS and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or OPIMS.

- .2.2.3 In work areas where there is a reasonable likelihood of exposure to blood or OPIMS, employees are not to eat, drink, apply cosmetics or lip balm, smoke or handle contact lens. If possible, food and beverages are not to be kept in refrigerators, freezers, shelves, cabinets or on counter tops or bench tops where blood or OPIMS are present.
- .2.2.4 When body fluids are spilled on the physical environment of the school, it is the responsibility of the housekeeping staff to see to it that the school environment is properly cleaned using "universal precautions." The exception to this would be general maintenance of some classrooms or health office items which should be cleaned by teachers or health care workers. These may include:
- Classroom:
- a. boys,
 - b. teaching devices;
 - c. protective floor pads, bolsters, wedges.
 - d. changing tables-,
 - e. wheelchairs;
 - f. desk tops;
 - g. seat surfaces in vehicles.
- Health Office:
- a. Equipment;
 - b. work surfaces.
- .2.3 Universal Precautions and Body Substance Precautions
- .2.3.1 Goal: To prevent parenteral, mucous membrane, and nonintact skin exposures of school employees to bloodborne pathogens or OPIMS.
- .2.3.2 Objectives: (1) Adopt an infection control method which protects employees, students, and other visitors to the school. (2) Provide education on infection control to school personnel, students, and families.
- .2.3.4 Definition of Problem: Blood and certain body fluids of all individuals are considered potentially infectious for human immunodeficiency virus (HIV), Hepatitis B Virus (HBV), and other bloodborne pathogens. Universal precautions are intended to prevent parenteral, mucous membrane and nonintact skin exposures of those persons who could be in the position of rendering first aid and emergency care. The school setting poses some risk to any school employee who would render care to students or staff.
- .2.3.5 Analysis of Risk: Body fluids to which precautions apply include blood, semen, vaginal secretions, tissues, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluids, and any body fluids containing visible blood. Because other body fluids contain disease producing organisms, all body substances should be considered potentially infectious. Sharps, broken glass, and contaminated vomitus should also be considered potentially infectious. All blood or OPIMS will be considered infectious regardless of the perceived status of the source individual.

.2.4 Guidelines to Minimize the Risk of Transmission of Pathogens Utilizing Universal Precautions

USD No. 500 will maintain provisions for personal and environmental cleanliness.

- .2.4.1 Allow sufficient time for washing hands after using toilet and before meals/snacks.
- .2.4.2 Provide ready access to hand washing facilities, including functional liquid soap dispensers. OSHA requires that these facilities be readily accessible after incurring exposure. In USD No. 500, hand washing facilities are located in the nurses stations, the custodial work areas, the kitchens, and employee rest rooms.
- .2.4.3 Encourage frequent hand washing for at least 20 seconds.
- .2.4.4 Provide disposable paper towels for drying hands.
- .2.4.5 Hand washing should occur:
 - a. before and after drinking, eating, or smoking,
 - b. before handling clean utensils or equipment.
 - c. before and after handling food;
 - d. before and after assisting or training students in toileting or eating;
 - e. after bathroom use;
 - f. after contact with body secretions such as blood, menstrual flow, urine, feces, mucous, saliva, semen, vaginal secretions, tears, drainage from wounds.
 - g. after handling soiled sanitary napkins, garments or equipment;
 - h. after caring for any student, especially those with mouth, nose, eye, or ear discharge.
 - i. after removing disposable gloves.
- .2.4.6 All contaminated sharps shall be discarded immediately, or as soon as feasible, in sharps containers that are closeable, leak proof, puncture resistant, and correctly labeled or color-coded. Do not re-cap needles, do not remove disposable needles by hand, do not bend or break needles. Do not pick up broken glass by hand. Use dustpan and brush or tongs. During use, containers for contaminated sharps shall be easily accessible to employees and shall be located as close as feasible to the immediate area(s) where sharps are used. Containers shall be replaced routinely and shall not be allowed to overflow. Exacto knives used in the science and art department(s) shall be soaked for 10 minutes in appropriate 1:10 chlorine bleach solution.
- .2.4.7 Maintain storage areas for linens, utensils, equipment, and disposable items. These areas must be separate from areas used for storage of soiled items.
- .2.4.8 Keep soiled, disposable items in a waste receptacle lined with two (2) disposable plastic bags. At the end of each day, the plastic bags should be sealed and discarded.

- .2.4.9 To minimize the need for emergency mouth-to-mouth resuscitation, special protective mouthpieces will be located in the nurse's office of each building and in classrooms serving medically fragile students.
- .2.4.10 Because AIDS individuals generally secrete large amounts of herpes simplex viruses, cytomegalovirus, epstein-barr virus, and toxoplasma gondii, it is recommended the a pregnant woman not work with affected students/staff
- .2.4.11 Personal protective equipment shall be utilized.
 - a. School administrators/principals and department heads are responsible to ensure appropriate and easily accessible equipment.
 - b. Employees will utilize "Universal Precautions" when disposing of personal protective equipment.
 - c. Latex gloves shall be made available in all buildings and in all nurses' offices. Custodial staff will be provided heavy rubber gloves with proper cleaning between uses.
 - d. Other personal protective equipment will be chosen based on the anticipated exposure to blood or OPIMS. The protective equipment will be considered appropriate only if it does not permit blood or OPIMS to pass through or reach the employee's clothing, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time that the protective equipment will be used.

.2.5 Specific Hygienic Principles

All staff members should practice specific hygienic principles designed to protect themselves and others from infection.

- .2.5.1 Maintain optimum health through effective daily health practices such as personal hygiene, adequate nutrition, rest, exercise, and appropriate medical supervision.
- .2.5.2 If a staff member has a cut or open lesion on his/her hands, disposable gloves must be worn when providing direct student care if there is a chance of contact with bodily secretions or excretions.
- .2.5.3 Avoid rubbing or touching eyes.
- .2.5.4 Wash hands frequently.
- .2.5.5 Avoid wearing dangling jewelry during work hours.
- .2.5.6 Do not share personal care items such as combs, fingernail files, nail clippers, lipstick, etc.
- .2.5.7 Keep fingernails clean and trim.

.2.5.8 Tie long hair back when working with food.

.2.6 Decontamination Procedures

Decontamination procedures for cleaning up body fluid spills such as blood, feces, urine, semen, vaginal secretions, vomitus, etc. These procedures should be followed for all students/staff regardless of their infectious disease status.

.2.6.1 Wear disposable gloves. When gloves are not available or unanticipated contact occurs, hands and other affected areas should be washed thoroughly as soon as possible, for 15-20 seconds under running water. If employees incur exposure to their skin or mucous membranes, those areas shall be washed with soap and water as appropriate as soon as feasible after contact.

.2.6.2 Clean and disinfect all soiled, hard surfaces immediately, removing all body secretions before applying disinfectant.

- a. Use paper towels or tissues to wipe up small soiled areas. Soiled tissue and flushable waste may be flushed into toilet. After soil is removed, use clean paper towel, soap, and water to clean area.
- b. Disinfect area with solution of 1. 10 chlorine bleach solution or another EPA approved disinfectant and allow to air dry for ten (10 minutes).
- c. Apply sanitary absorbent agent for larger soiled areas. After soil is absorbed, vacuum or sweep all material. Discard vacuum bags or sweepings into double-bagged waste receptacle.
- d. Disinfect area with clean mop.

.2.6.3 Clean and disinfect soiled rugs and carpets immediately.

- a. Apply sanitary absorbent agent, let dry, vacuum.
- b. Apply rug shampoo, a germicidal detergent, with brush, then re-vacuum.

.2.6.4 Clean equipment and dispose of all disposable materials.

- a. Establish a routine cleaning and disinfecting schedule.

Clean protective floor pads, bolsters, wedges, after each use by nonambulatory students and at the end of each school day.

Wash all toys with soap and water as needed and at the end of each school day;

Clean surfaces, bathtubs, sinks, portable toilets, and toilet seats daily;

Rinse broom and dust pan in disinfectant solution;

Soak mop in disinfectant solution and rinse thoroughly or wash in hot

water cycle after soaking in disinfectant.

Disinfectant solution should be promptly disposed of down a drain.

- .2.6.5 All employees handling contaminated laundry will utilize personal protective equipment to prevent contact with blood or OPIMs.
- a. Launder soiled sheets and other soiled items daily:

pre-soak heavily soiled items,
use one-half (1/2) cup chlorine bleach if item is bleachable;
use one-half (1/2) cup colorfast bleach for nonbleachable items;
use hot cycle on washing machine (160 degrees) for 25 minutes
 - b. Clothing or other nondisposable items such as sheets, towels, etc., contaminated with blood or OPIMs will be handled as little as possible. Such laundry shall be placed in appropriately marked bags at the location of use and may be decontaminated by adding appropriate disinfectant solution. Laundry is not to be moved to another location except in appropriately marked/decontaminated bags.
- .2.6.6 Remove disposable gloves and discard in double-bagged waste receptacle.
- .2.6.7 Wash hands.
- .2.6.8 Plastic bags holding waste that may be contaminated should be secured for disposal.
- .2.6.9 Large waste containers (dumpsters or other containers which are impervious to animals) containing potentially contaminated waste should be located in a safe area away from areas used by students/staff.
- .2.7.1 Guidelines for diapering:
- The following are special procedures for diapering, cleaning equipment, and student/staff areas and should be used for all students/staff regardless of their infectious disease status. The purpose is to avoid cross contamination.
- a. Equipment:

changing table- student's own bed or mat; may also use safe, nonporous surface;

readily accessible hand washing facilities, including liquid soap dispensers and paper towels;

supplies for cleaning student's skin such as disposable wipes or soap and water;

plastic bag(s) for soiled clothing;

covered waste receptacle, double-bagged and inaccessible to students;

use disposable diapers;
disposable latex gloves;
chlorine bleach for cleaning the changing surface.

b. Procedure

wash hands;
place student on clean surface;
use disposable gloves and personal protective equipment;
remove soiled diaper and place it in appropriate receptacle;
wash student's hands; wash own hands;
return student to classroom activity;
report abnormal conditions to appropriate personnel, school nurse,
building administrator/principal or department head;
use chlorine bleach to clean changing station.

.2.7.2 The following guidelines are for storing, cleaning, and disposing of equipment, supplies, and other items:

- a. Immediately after use, discard any soiled disposable items by placing them in double-bagged, covered waste receptacle.
- b. Store each student's personal grooming items separately.

.2.8 Maintenance of Clean Environment

The following guidelines must be followed for maintaining a clean school environment.

.2.8.1 Clean the following areas and items regularly;

- a. classrooms;
- b. bathrooms and kitchen areas (daily);
- c. floors;
- d. sinks and faucet handles (daily);
- e. cabinet drawer handles, door knobs;
- f. soap dispenser spigots;
- g.. walls behind sinks;
- h. toilets (daily)

.2.8.2 Vacuum carpets daily. Disinfect soiled rugs as previously described (Section 2.6.3).

- .2.8.3 Clean waste receptacles at least regularly.
- .2.8.4 Continue using disposable germicidal soap dispensers.
- .2.8.5 Steam clean carpets regularly.
- .2.8.6 All bins, pails, cans and similar receptacles shall be inspected and decontaminated on a daily basis by the custodian.

.2.9 Compliance

Engineering and work practice controls will be utilized to eliminate or minimize employee exposure to this school district. Where occupational exposure remains after institution of these controls, personal protective equipment shall be utilized. In USD No. 500, the following engineering controls will be utilized: specific containers for sharps, disposal bags for cleanup supplies and disposal of all materials on a daily basis.

The above controls will be examined and maintained on a regular schedule. The schedule for reviewing the effectiveness of the controls is once a week by the custodial staff

.2.10 Education

- .2.10.1 Provide inservice education about transmission of HIV and HBV for all school personnel and students as necessary.
- .2.10.2 Provide supplies for universal precautions at strategic areas in each building for the sanitation of body spills.
- .2.10.3 Write and review policies and procedures with key individuals periodically.

.2.11 Hepatitis B Vaccine

- .2.11.1 Pre-Exposure: All employees whose jobs have been listed in Category I-High Risk (.2.1.1.) will be offered the Hepatitis B vaccine at no cost to the employee. The vaccine will be offered after the employee has received the training required in paragraph (g) (2) (vii) (I) of the OSHA standard and within ten (10) days of their initial assignment to work involving the potential for occupational exposure to blood or OPIMS. An exception is if the employee has previously had the vaccine or wishes to submit to antibody testing which shows the employee to have sufficient immunity.
- .2.11.2 Post-Exposure. Employees whose jobs are listed in Category II-Low Risk will be offered the Hepatitis B vaccine within twenty-four (24) hours of a possible exposure incident at no cost to the employee. "Exposure incident" means a specific eye, mouth, other mucus membrane, non-intact skin, or parenteral contact with blood or OPIMS.
- .2.11.3 Hepatitis B Vaccination Waiver. Employees who decline the Hepatitis B vaccine will sign a waiver. The records of vaccinations and waivers will be maintained in the building and/or administrative office. Vaccines will be

administered by a health provider designated by the school district.

.2.12 Reporting Procedures for Exposure Incidents

An exposure incident occurs when there is specific parenteral, mucous membrane, or non-intact skin contact with blood or OPIMS.

- .2.12.1 When an employee incurs an exposure incident, it should be reported to the building administrator/principal or department head before the end of the school day. If the incident occurs at an extracurricular activity, the employee must report the incident on the first day of returning to duty. If the incident precedes an extended period of school closure, e.g., summer vacation, spring break, holiday, etc. the employee must report the incident to the building administrator/principal, Office of the Assistant Superintendent for Business Affairs, or to the Office of the School District Superintendent within 48 hours after incident.
- .2.12.2 The employee shall document and report the details of the incident on the Occupational Exposure Form.
- .2.12.3 The building administrator/principal or department head will review the recorded information and determine if an exposure incident has occurred.
- .2.12.4 The confidential incident report will be maintained in the Office of the Assistant Superintendent for Business Affairs and made available to the involved employees, school district health provider, the Kansas State Department of Human Resources, and the Kansas Workers' Compensation Director.
- .2.12.5 Any employee administering first aid will be offered the Hepatitis B vaccination series within 24 hours of an exposure incident not later than seven (7) days of the incident.
- .2.12.6 A post-exposure evaluation and follow-up procedure will be implemented if an exposure incident has been identified.

.2.13 Post-Exposure Evaluation and Follow Up

All employees who incur an exposure incident will be offered post-exposure evaluation and follow-up in accordance with the OSHA standard.

- .2.13.1 A confidential post-exposure evaluation and follow-up will be provided at no expenses to the employee.
- .2.13.2 The employee that has been involved in an exposure incident will report immediately to the building administrator/principal or department head, who will explain the employees right to a post exposure evaluation and follow-up. The building administrator or department head will make arrangements with school district health provider as soon as feasible but within seven (7) days of the incident.
- .2.13.3 Post-exposure evaluation and follow-up for the employee will include:

- a. Documentation of the route of exposure and the circumstances related to the incident.
- b. Identification and documentation of the source individual whose blood or OPIMS caused the exposure, unless identification is not feasible or prohibited by law.
- c. Unless the source individual is known to be infected with HIV or HBV, the school district shall seek the consent of the source individual for blood testing through the school for blood testing through the school district health provider for HIV or HBV. Failure to obtain consent will be documented by the school district.
- d. Results of testing of the source individual will be made available to the exposed employee and the exposed employee will be informed regarding the applicable laws/regulations concerning disclosure of the identity and infection status of the source individual.
- e. If the exposed employee consents, serologic testing of his/her blood will be completed as soon as possible. If the employee consents to baseline blood collection, but not to HIV serologic testing, the blood sample will be retained for 90 days. the employee may request HIV serologic testing of the sample at any time during the 90 day time period.
- f. The exposed employee will be offered post-exposure prophylaxis in accordance with recommendations of the U. S. Public Health Service. Current recommendations are as follows:

If source individual has AIDS, is HIV positive, refuses to be tested, the employee should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after exposure (See Board Policies, Health and Welfare for Employees 4.1.21.0.0 and Student Health 5.3.1.0.0).

The employee will be offered counseling concerning precautions to take during the period after the exposure incident which are: to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks and to follow recommendation for preventing the transmission of the virus especially the first six (6) to twelve (12) weeks after exposure.

Periodic re-testing may be necessary.

The exposed employee will be given information regarding potential illnesses and related experiences to report.

During follow-up time period, reports should be made to district health provider.

.2.14 School District Responsibility with Health Care Professionals

USD No. 500 Office of the Assistant Superintendent for Business Affairs will provide the school district health provider with the following information as necessary:

- .2.14.1 OSHA regulation(s) governing bloodborne pathogens;
- .2.14.2 Description of employee's duties as they relate to exposure incident-I
- .2.14.3 Incident Report;
- .2.14.4 Results of source individual's blood test, if available;
- .2.14.5 Medical records maintained by district that relate to treatment of employee, including vaccine status.

.2.15 Written Opinion of Health Care Professionals

Following post-exposure evaluation, the school district shall receive within 15 days of completion of the evaluation the following information:

- .2.15.1 Appropriateness of Hepatitis B vaccination, whether received, or for evaluation following an incident.
- .2.15.2 Statement that employee has been informed of evaluation results and medical conditions resulting from exposure that require further evaluation or treatment.
- .2.15.3 All other medical information is strictly confidential and will not be provided to the school district.

.2.16 Communication of Hazard to Employees

To communicate hazards to employees, the following labeling system shall be used:

- .2.16.1 Warning labels shall be fluorescent orange or orange-red with the lettering and symbols in a contrasting color.
 - a. Labels shall be placed on the following items:
 - sharp containers;
 - refrigerators/freezers containing potentially infectious materials.
- .2.16.2 Labels need to be used when infectious waste has been decontaminated.

.2.17 Training

All employees with occupational exposure will receive training at no cost to

them during working hours. Training material shall be appropriate in content and vocabulary to educational level, literacy and language of the employees.

- .2.17.1 Initial Training. Training for all school employees with occupational exposure shall take place at the time of initial assignment to tasks where occupational exposure may take place.
- .2.17.2 Annual Training. Annual Training provided for all employees with occupational exposure within one year of previous training.
- .2.17.3 Training to be conducted by the building administrator/principal or department head during inservice meetings at beginning of school year.
- .2.17.4 Content of training is as follows:
 - a. OSHA standard and definition of such.
 - b. Epidemiology and symptomatology of bloodborne diseases.
 - c. Modes of transmission of bloodborne pathogens and OPIMS.
 - d. Detailed explanation of exposure control guidelines, points of the plan, lines of responsibility, how the plan is implemented, and where to obtain a copy.
 - e. Methods/procedures which might cause exposure to blood or OPIMS.
 - f. Explanation of use and limitation of methods to prevent or reduce exposure.
 - g. Hepatitis B vaccine program in USD No. 500.
 - h. Post exposure evaluation and follow-up instructions.
 - i. Hazardous labels/signs used in USD N500.
 - j. Utilization of personal protective equipment.
 - k. Question and answer period with the trainer.

.2.17.5 All employees will be required to sign documentation of training.

.2.18 Record Keeping

A confidential medical record will be maintained in the school district Personnel Office for each employee with occupational exposure. Records will not be disclosed, except as required by law, without employee consent. Records will be maintained for the duration of employment and thirty (30) years thereafter. The medical record will include:

- .2.18.1 Employee Accident Form with Occupational Exposure Form attached.
- .2.18.2 Results of examinations, medical testing, prophylaxis, and vaccination status from school district health provider.
- .2.18.3 Health care professional(s) written opinion following post-exposure evaluation and follow-up.

.2.19 Training Records

Training records will be maintained in building administrator/principal or department head office for three (3) years from dates training occurred and include:

- .2.19.1 Dates of session.
- .2.19.2 Content of session.
- .2.19.3 Names(s) and qualifications of persons conducting training.
- .2.19.4 Name(s) and titles of all persons attending training.

Records will be made available for inspection to employees, those with written consent of affected employee, and to the Kansas Department of Human Resources upon request.

.2.20 Accessibility and Review

The Exposure Control Plan is accessible to all employees of USD NO. 500 in the central office of each building center. It will be provided to employees and the Kansas State Department of Human Resources upon request. Annual reviews and updates will occur with this plan. The Office of the Assistant Superintendent for Pupil Services is responsible for scheduling annual reviews.