

Loyalty Oath

Every officer and employee of the district shall be required to sign the following oath:

I do solemnly swear (I do solemnly, sincerely, and truly declare and affirm) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of \_\_\_\_\_ so  
(office or employment)  
help me God. (And this I do under the pains and penalties of perjury.)

Medical Examinations

The board shall, as a condition of entering or continuing employment, require each employee who is in regular contact with students to submit a certification of health signed by a licensed physician on a form prescribed by the State Board of Health. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety or welfare of the students and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that an employee is suffering from an illness detrimental to the health of the students, the board may require a new certification. The expense of obtaining certifications of health will be borne by the employee.

Protection and Care of School Property

It is the duty of each school employee to safeguard and protect the properties of the district. Care shall be taken to see that windows and doors are properly secured before leaving the school building at the close of a day.

Children shall be instructed regarding the proper use of textbooks, supplies and proper respect for public property.

Approved: USD 303 Board of Education February 3, 1992

**GAA Goals and Objectives (See BDA, CM, and JA)**

**GAA**

The goal of the personnel policies set forth in this policy section is to create the best possible educational climate for the children of the school district. To this end, these personnel policies are designed to prevent misunderstanding by the district's personnel of their duties, responsibilities, and privileges.

All employees shall follow all applicable board policies, rules, regulations, and supervisory directives.

All personnel handbooks shall be approved by the board and adopted, by reference, as a part of these policies and rules.

Approved: USD 303 Board of Directors July 11, 2022

**GAAA Equal Employment Opportunity and Nondiscrimination**

**GAAA**

The board shall hire its employees on the basis of the ability and the district's needs.

The district is an equal opportunity employer and shall not discriminate in its employment practices and policies with respect to hiring, compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, age or national origin.

Inquiries regarding compliance may be directed to

Russell King  
105 S Depot St  
Ness City, KS 67560  
785-798-0445

or to:

Equal Employment Opportunity Commission  
400 State Avenue  
Ninth Floor  
Kansas City, KS 66101  
913-551-5655

or

Kansas Human Rights Commission  
900 SW Jackson, Suite 568-S  
Topeka, KS 66612-1258  
785-296-3206

or

United State Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MI 64106

Approved: USD 303 Board of Education February 12, 2024

## **GAAB Complaints of Discrimination**

**GAAB**

(See GAAC, GAACA, JDDC, JGEC, JGECA, KN, and KNA)

The district is committed to maintaining a working and learning environment free from discrimination, insult, intimidation and harassment due to race, color, religion, sex, age, national origin or disability.

Discriminating against any individual on the basis of race, color, national origin, sex, disability, age, genetic information, or religion in the admission to, access to, treatment, or employment in the district's programs and activities is prohibited. Jason Ratliff, 15232 T Road, Ness City, KS 67560, 785-798-2421 has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI and Title VII of the Civic Rights Act of 1964 (with the exception of discrimination on the basis of sex), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disability Act of 1990, the Age Discrimination Act of 1975, the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and the Food Stamp Act of 1977, as amended.

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in board policies GAAC and JGEC and shall be directed to the Title IX Coordinator. More information may be obtained on discrimination on the basis of sex by contacting the title IX Coordinator.

Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in board policy KNA, and more information may be obtained on procedures for filing such a complaint by contacting the district compliance coordinator.

Unless otherwise provided in board policy, general complaints, those not alleging acts of discrimination, will be resolved using the district's general complaint procedures in policy KN.

Any employee who engages in discriminatory, harassing, or retaliatory conduct shall be subject to disciplinary action, up to and including termination.

Except as otherwise provided in this policy and board policies GAAC, JGEC and KNA, any incident of discrimination in any form shall promptly be reported to an employee's immediate supervisor, the building principal or the district compliance coordinator for investigation and corrective action by the building or district compliance officer.

## **GAAB Complaints of Discrimination**

**GAAB-2**

Complaints alleging discriminatory and/or harassing conduct on the part of the Superintendent shall be addressed to the board of education.

Except as otherwise provided in board policy regarding complains of discrimination on the basis of sex or regarding child nutrition programs, complaints about discrimination, including complaints of harassment, will be resolved through the following complaint procedures:

### **Informal Procedures**

The building principal shall attempt to resolve complaints of discrimination or harassment in an information manner at the building level. Any school employee who receives a complaint of such discrimination or harassment from a student, another employee, or any other individual shall inform the individual of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. The building principal shall discuss the complaints with the individual to determine if it can be resolved. If the matter is resolved to the satisfaction of the individual, the building principal shall document the nature of the complaint and the proposed resolution of the complaint and forward this record to the district compliance coordinator. Within 20 days after the complaint is resolved in this manner, the principal shall contact the complainant to determine if the resolution of the matter remains acceptable.

If the matter is not resolved to the satisfaction of the individual in the meeting with the principal, or if the individual does not believe the resolution remains acceptable, the individual may initiate a formal complaint.

### **Formal Complaint Procedures**

- A formal complaint shall be filed in writing and contain the name and address of the person filing the complaint. The complaint shall briefly describe the alleged violation. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved through the informal procedures described herein, the building principal may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.

- If appropriate, an investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board may appoint an investigating officer. In other instances, the investigation shall be conducted by the building principal, the compliance coordinator, or another individual appointed by the board or the superintendent. The investigation shall be informal but thorough. The complainant and the respondent will be afforded an opportunity to submit written or oral evidence relevant to the complaint and to provide names of potential witnesses who may have useful information.
- A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy shall be forwarded to the complainant and the respondent within 30 days after the filing of the complaint. If the investigator anticipates a determination will not be issued within 30 days after the filing of the complaint, the investigator shall provide written notification to the parties including an anticipated deadline for completion. In no event shall the issuance of the written determination be delayed longer than 10 days from the conclusion of the investigation.
  - If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.
  - If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and state law will be followed.
- Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the district compliance coordinator.

**Formal Complaint Appeal**

- The complainant or respondent may appeal the determination of the complaint.
- Appeals shall be heard by the district compliance coordinator, a hearing officer appointed by the board or the superintendent, or by the board itself.
- The request to appeal the resolution shall be made within 20 days after the date of the written determination of the complaint at the lower level.

## **GAAB Complaints of Discrimination**

**GAAB-4**

- The appeal officer shall review the evidence gathered by the investigator at the lower level and the investigator's report and shall afford the complainant and the respondent an opportunity to submit further evidence, orally or in writing, within 10 days after the appeal is filed.
- The appeal officer will issue a written determination of the complaint's validity on appeal and a description of its resolution within 30 days after the appeal is filed.

If it is determined at any level that discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or hearing.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Approved: USD 303 Board of Education February 13, 2023

**USD 303**

**COMPLAINT of DISCRIMINATION FORM**

The policies of the Board of Education of USD 303 prohibit discrimination on the basis of race, color, national origin, disability, religion and sex in all programs and activities of the district. Additionally, discrimination on the basis of age is prohibited in employment.

Harassment of individuals on any of these grounds is strictly prohibited.

Individuals who believe they have been discriminated against on any of these grounds may file a complaint with the following discrimination coordinators:

District Discrimination Coordinator: **Superintendent**, 414 East Chestnut,  
Ness City, KS 67560; 785-798-2210  
Building Discrimination Coordinators: **Grade School Principal**, 500 East Chestnut,  
Ness City, KS 67560; 785-798-2222  
**High School Principal**, 200 North Fifth,  
Ness City, KS 67560; 785-798-3991

Name of Complainant \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Nature of Complaint: I believe that I have been the subject to discrimination on the basis of:

- Race
  - Sex
  - Age
  - Color
  - Sexual Harassment
  - Racial Harassment
  - National Origin
  - Disability
  - Religion
- Harassment on the basis of \_\_\_\_\_

Please describe the incident or act complained of: \_\_\_\_\_

Please include information about:

Who was the person engaging in the conduct? \_\_\_\_\_

What was the nature of the conduct? \_\_\_\_\_

When did it occur? \_\_\_\_\_

Where did it occur? \_\_\_\_\_

What effect did the incident have on you? \_\_\_\_\_

(Please attach additional sheets if necessary.)

Were there any witnesses to this incident?  Yes  No If yes, please indicate who the witnesses were: \_\_\_\_\_

What action do you believe the school should take with regard to this incident? \_\_\_\_\_

If this matter proceeds to a formal or informal hearing, will you appear and testify as to your knowledge of the matter?  Yes  No

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_



**GAAC Sexual Harassment: Employees (See GAF, JGEC)**

**GAAC**

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination on the basis of sex, including sexual harassment. The district does not discriminate on the basis of sex in admissions, employment or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated in the school district. Discrimination on the basis of sex of employees or students of the district by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the school district in any district education program or activity is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs, or events within the United States. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation for any employee to discourage a student, or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violation of this policy by any employee shall result in disciplinary action, up to and including termination.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following: (1) A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct; (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or (3) sexual assault, dating violence, domestic violence or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include, but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person, with sexual or

demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an employee's job status.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any times.

The Title IX Coordinator will coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1967 and the Kansas Act Against Discrimination. Information concerning the provisions of these acts and the rights provided thereunder, are available from the Title IX Coordinator. Inquiries about the application of the Title IX to the district may be referred to the Title IX coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800) 421-3481, or at [OCR@ed.gov](mailto:OCR@ed.gov); or both.

#### Response to Harassment Complaints

The district takes all reports of sexual harassment seriously and will respond meaningfully to every report of discrimination based on sex, including sexual harassment, of which the district has actual knowledge. Employees who believe they have been subjected to sexual harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building administrator or the Title IX Coordinator. All employees receiving reports of alleged sexual harassment shall notify the Title IX Coordinator.

#### Definitions

The following definitions apply to the district in responding to complaints of sexual discrimination including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

The "complainant" means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

“Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment.

The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

A “respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

The “Title IX Coordinator” is the individual designated at the district level who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and

ensuring professional development occurs for staff involved in Title IX compliance, creating systems to centralize records, gathering relevant data, contacting the complainant (and/or parents or guardians, if applicable) once the district has actual knowledge of alleged sexual harassment, coordinating the implementation of supportive measures, signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment; the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes; and how to serve impartially, including avoiding prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor, building administrator, or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate district officials may face disciplinary action. District officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

If discrimination or harassment has occurred, the district will take prompt, remedial action to stop it and prevent its reoccurrence.

The Title IX Coordinator shall promptly respond in a meaningful way to any reports of sexual discrimination including sexual harassment of which the district has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

### Supportive Measures

The district will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. "Supportive Measures" shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the district's educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### The Formal Complaint

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district concerning which the formal complaint is filed.

- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- An investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the board. The investigation shall be thorough. All interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

Formal Complaint Notice Requirements

Upon filing of a formal complaint, the district shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
  - the identities of the parties involved, if known;
  - the conduct allegedly constituting sexual harassment; and
  - the date and location of the alleged incident, if known.
- The district's investigation procedures, including any informal resolution process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;

- Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
- Notice to the parties of any provision in the district's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice of the additional allegations shall be provided to known parties.

Formal Complaint Investigation Procedures

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview, meeting, or hearing at which a party is expected to participate;
- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;
- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondent;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

Formal Complaint Investigation Report

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

Decision-Maker's Determination

Upon receiving the investigator's report, the decision-maker must make a determination regarding responsibility and afford each party the opportunity to submit written, relevant questions that the parties want asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps taken, including and any notifications to the parties, site visits, methods used to gather evidence, and interviews;
- Include the findings of fact supporting the determination;
- Address any district policies and/or conduct rules which apply to the facts;
- A statement of and rational for the result as to each allegation, including a determination regarding responsibility and
- The procedures and permissible bases for the complainant and/or respondent to appeal the determination.

The written determination may, but is not required to, recommend disciplinary sanctions and any remedies designed to preserve access to the educational program or activity that may be provided by the district to the complainant.

A copy of the written determination shall be provided to both parties simultaneously.



The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made. The Title IX Coordinator is responsible for the effective implementation of any remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed, or on the date the opportunity for an appeal expires.

### Appeals

The complainant or respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following base:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.

The request to appeal shall be made in writing to the Title IX Coordinator within 10 days after the date of the written determination. Appeals shall a review of the record by an attorney, an independent hearing officer appointed by the board, or the board. The appeal decision-maker may not be the Title IX Coordinator, the Investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them an opportunity to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

#### Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;

- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Initiation of a complaint of sexual harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted or participated in an investigation proceeding, or hearing involving sex discrimination including sexual harassment is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination of employment.

To the extent possible while still following the above procedures, confidentiality will be maintained throughout the investigation and resolution of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough

**GAAC Sexual Harassment: Employees (See GAF)**

**GAAC-12**

investigation, to provide supportive measures to both parties to take appropriate corrective action or to provide due process to the complainant and the respondent.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each district facility shall be published in employee handbooks and on the district's website as directed by the title IX Coordinator. Notification of the policy may include posting information notices, publishing in local newspapers, publishing in newspapers and magazines operated by the school, or distributing memoranda or other written communications to students and employees. In addition, the district is required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants or employees.

Approved: USD 303 Board of Education July 12, 2021

## **GAACA Racial and Disability Harassment: Employees**

**GAACA**

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination, including harassment, on the basis of race, color, national origin or disability. Racial and disability harassment will not be tolerated in the school district. Racial or disability harassment of employees or students in any district education program or activity is strictly prohibited.

Racial harassment is unlawful discrimination on the basis of race, color or national origin under Titles VI and VII Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. Disability harassment is unlawful discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act. All forms of racial and disability harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events.

It shall be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violations of this policy by any employee shall result in disciplinary action, up to and including termination.

Harassment prohibited by this policy includes racially or disability-motivated conduct which:

1. Affords an employee different treatment, solely on the basis of race, color, national origin, or disability, in a manner which interferes with or limits the ability of the employee to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile working environment;
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's work performance or employment opportunities.

Racial or disability harassment may result from verbal or physical conduct or written or graphic material.

The district encourages all victims of racial or disability harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of racial or disability harassment will be promptly investigated and resolved.

Employees who believe they have been subjected to racial or disability harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building principal or the district compliance coordinator. Employees who do not believe the matter is appropriately resolved through this meeting may file a formal complaint under the district's discrimination complaint procedure in policy KN.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes racial harassment under the definition outlined above. Unacceptable conduct may or may not constitute racial harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence.

Any employee who witnesses an act of racial or disability harassment or receives a complaint of harassment or receives a complaint of harassment from another employee or a student shall report the complaint to the building principal. Employees who fail to report complaints or incidents of racial or disability harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of racial or disability harassment may also face disciplinary action up to and including termination.

Initiation of a complaint of racial or disability harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving a racial or disability harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination from employment.

**GAACA Racial Harassment: Employees****GAACA-3**

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

False or malicious complaints of racial or disability harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each district facility. The policy shall also be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

Approved: USD 303 Board of Education July 12, 2021

## **GAAD Child Abuse (See JCAC)**

**GAAD**

Any district employee who has reason to know or suspect a child has been injured as a result of physical, mental, or emotional abuse or neglect or sexual abuse, shall promptly report the matter to the local Kansas Department for Children and Families (DCF) office or to the local law enforcement agency if the DCF office is not open. Employees may file a report of suspected abuse anonymously to either DCF by phoning 1-800-922-5330 or to the local law enforcement officials. The Code for Care of Children also provides civil immunity from prosecution if the report is made in good faith.

The employee making the report will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect.

### DCF or Law Enforcement Access to Students on School Premises

The building principal shall allow a student to be interviewed by DCF or law enforcement representatives on school premises to investigate suspected child abuse and shall act as appropriate to facilitate the agency's access to the child and to protect the student's interests during the process. State law grants the investigating agency the authority to determine whether a school employee may be present while the interview is being conducted, taking into account the child's best interests. If asked to sit in on the interview by the agency representative conducting it, the building principal or designee thereof shall oblige such request in order to provide comfort to the child throughout the process and to facilitate the investigation.

### Cooperation Between School and Agencies

Principals shall work with DCF and law enforcement agencies to develop a plan of cooperation for investigating reports of suspected child abuse or neglect. To the extent that safety is not compromised, law enforcement officers investigating complaints of suspected child abuse or neglect on school property shall not be in uniform.

### Reporting Procedure

The employee shall promptly report to the local DCF office or law enforcement if DCF is closed. It is recommended the building administrator also be notified after the report is made.

If the building principal has been notified, the principal shall immediately notify the superintendent that the initial report to DCF has been made.



If appropriate, the principal may confer with the school's social worker, guidance counselor or psychologist. At no time shall the principal or any other staff member prevent or interfere with the making of a report of suspected child abuse.

If available, the following information shall be given by the person making the initial report: name, address, and age of the student; name and address of the parents or guardians; nature and extent of injuries or description of neglect or abuse; and any other information that might help establish the cause of the child's condition.

Any personal interview or physical inspection of the child by any school employee shall be conducted in an appropriate manner with an adult witness present.

State law provides that anyone making a report in accordance with state law and without malice shall be immune from any civil liability that might otherwise be incurred or imposed.

#### Mobile Crisis Helpline

Crisis support for Kansas Families and Children to resolve an emotional, psychiatric, or behavioral health crisis is available through the Department of Children and Families Mobile Crisis Helpline, 1-833-441-2240, including:

- Problem solving to resolve behavioral health crisis;
- Referral to community resources or recommendation to engage in stabilization services;
- In-person support via mobile crisis response; and
- Contacting mobile crisis response unit to assist in emergency situations.

Services are available to all Kansans 20 years or younger including anyone in foster care or formerly in foster care.

#### Annual Training

Annual training for all school employees on child abuse and neglect reporting requirements shall be provided, and documentation of the training shall be maintained.

Approved: USD 303 Board of Education January 10, 2022

**GAAE Bullying by Staff** (See EBC, GAAB, JDD, and JDDC)

**GAAE**

The board of education prohibits bullying in any form, by any student, staff member, or parent towards a student or a staff member on or while using school property, including electronic means, in a school vehicle or at a school-sponsored activity or event. For the purposes of this policy, the term “bullying” shall have the meaning ascribed to it in Kansas law.

The administration shall propose, and the board shall review and approve a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. The plan shall include provisions for the training and education of staff members.

Staff members who bully others in violation of this policy may be subject to disciplinary action, up to and including suspension pending a hearing and/or termination. If appropriate, staff members who violate the bullying prohibition shall be reported to local law enforcement.

Approved: USD 303 Board of Education February 8, 2016

## **GAAF Emergency Safety Interventions**

**GAAF**

(See GAO, JRB, JQ, and KN)

The board of education is committed to limiting the use of Emergency Safety Interventions (“ESI”), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school pages. In addition, this policy shall be included in at least one of the following: each school’s code of conduct, school safety plan, or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

### Definitions

“Area of purposeful isolation” means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.

“Campus police officer” means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-6146, and amendments thereto.

“Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.

“Emergency Safety Intervention” is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

“Incident” means each occurrence of the use of an emergency safety intervention.

“Law enforcement officer” and “police officer” means a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

“Legitimate law enforcement purpose” means a goals within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointment authority.

“Mechanical Restraint” means any device or object used to limit a student’s movement.

“Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-3122(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; or (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

“Physical Escort” means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

“Physical Restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

“Purposefully isolate” when used regarding a student, means that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:

1. Removal of the student from the learning environment by school personnel;
2. Separation of the student from all or most peers and adults in the learning environment by school personnel; or
3. Placement of the student within an area of purposeful isolation by school personnel.

“School resource officer” means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

“School security officer” means a person who is employed by the board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

“Seclusion” means placement of a student for any reason other than for in-school suspension, detention, or any other appropriate disciplinary measure in a location where both of the following conditions are met:

1. School personnel purposefully isolate the student;
2. The student is prevented from leaving, or has reason to believe, that the student will be prevented from leaving the area of purposeful isolation.

“Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

#### Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student’s airway;
- Using physical restraint that impacts a student’s primary mode of communication;
- Using chemical restraint, except as prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Use of mechanical restraint, *except*:
  - Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;
  - Any device used by a certified law enforcement officer to carry out law enforcement duties; or
  - Seatbelts and other safety equipment when used to secure students during transportation.

#### Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to affect such physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student’s behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive or property may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment or for

the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

#### ESI Restrictions

A student shall not be subjected ESI if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ESI. The existences of such medical condition shall be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI. In spite of the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others.

#### Use of Seclusion

When a student is placed in seclusion, a school employee shall see and hear the student at all times. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion. When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving.

If the area of purposeful isolation is equipped with a locking door designed to prevent a student from leaving the area of purposeful isolation, the door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the area of purposeful isolation room, or in case of emergency, such as fire or severe weather.

An area of purposeful isolation shall be a safe place with proportional and similar characteristics as those of rooms where students frequent. Such area shall be free of any condition that could be a danger to the student and well-ventilated, and sufficiently lighted.

Training

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs on the use of ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state board of education upon request.

Notification and Documentation

The principal or designee shall notify the parent the same day as an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include:

- the events leading up to the incident;
- student behaviors that necessitated the ESI;
- steps taken to transition the student back into the educational setting;
- the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI;
- space or an additional form for parents to provide feedback or comments to the school regarding the incident;
- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent
- future incidents; and

- email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B), and (C) if the triggering issue necessitating the ESIs is the same.

The parent shall be provided the following information after the first and each subsequent incident during each school year:

- A copy of this policy which indicates when ESI can be used;
- a flyer on the parent's rights;
- information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and the complaint process of the state board of education; and
- information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.

Upon the first occurrence of an incident of ESI, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

#### Law Enforcement, School Resource and Campus Security Officers

Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide writing documentation to a parent, as set forth above, regarding law enforcement use of and emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.



### Documentation of ESI Incidents

Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the ESI,
- Type of ESI,
- Length of time the ESI was used,
- School personnel who participated in or supervised the ESI,
- Whether the student had an individualized education program at the time of the incident.
- Whether the student had a section 504 plan at the time of the incident, and whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

### Reporting Data

District administration shall report ESI data to the state department of education as required.

### Parent Right to Meeting on ESI Use

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A School shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

For a student with an IEP or a Section 504 plan, such student's IEP team or Section 504 plan team shall meet to discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan or amend the behavior intervention plan if already in existence.

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

For a student without an IEP or Section 504 plan, the school staff and the parent shall discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

The student who is the subject of such meetings shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student if such student would benefit from such measures..

#### Local Dispute Resolution Process

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling each complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the

school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the incident.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report the findings of fact and recommended corrective action, if any, to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30<sup>th</sup> day after receipt of the written complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

If desired, a parent may file a complaint under the state board of education administrative review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved: USD 303 Board of Education, July 10, 2023

**GACA Positions**

**GACA**

Only those positions authorized by the board may be filled.

Approved: USD 303 Board of Education February 3, 1992

**GACA-R Positions**

**GACA-R**

The superintendent shall prepare a comprehensive list of all positions of employment within the school system, together with the qualifications for the duties and responsibilities for each position. (See GACB)

Approved: USD 303 Board of Education February 3, 1992

**GACB Job Descriptions****GACB**

A job description for each category of employees will be developed by the superintendent. The job description shall be filed by the clerk and may be published in the appropriate handbook.

Approved: USD 303 Board of Education December 21, 1992

Recruitment

The board delegates recruiting authority to the superintendent. In carrying out this responsibility, the superintendent may involve administrators and other employees.

Hiring

The board shall approve the hiring of all employees. No staff member's employment is official until the contract or other document is signed by the candidate and approved by the board.

Hiring sequence

- Conditional offer of employment is extended to the candidate subject to revocation or, if provisional employment has already begun, termination of employment based upon unsatisfactory results of any reference and/or background checks performed;
- Acceptance by the candidate is received;
- Contract or other appropriate document sent to the candidate and candidate's acceptance signified by a signed document returned to the superintendent; and
- Approval of the contract or other documents by the board.

Approved: USD Board of Education September 8, 2014

## **GACD Employment Eligibility Verification**

**GACD**

(Form I-9)(See GAK)

All district employees, at the time of employment, shall provide verification of identity and employment status to the superintendent.

The superintendent shall maintain a file on all of the district's employees hired after November 6, 1986, proving that each employee has verified their identity, employment status, U.S. citizenship, or legal alien status.

For additional information see:

<http://www.uscis.gov/files/nativedocuments/m-274.pdf>

Approved: USD 303 Board of Education September 8, 2008

**GAD Employee Development Opportunities**

**GAD**

Except as may be specified in the negotiated agreement concerning staff members covered thereby, all plans for self-improvement involving expenditure of district funds shall be approved in advance by the board.

Approved: USD 303 Board of Education July 9, 2018



**GADA Inservice Education****GADA**

There shall be a program of inservice education for employees which meets minimum statutory requirements, and promotes continuous professional development, diversification in academic foundations or subject knowledge, improved job effectiveness and enhanced skills. When appropriate, the superintendent shall consult with the staff affected by the inservice.

Approved: USD 303 Board of Education December 21, 1992

**GADA-R Inservice Education****GADA-R**

All appropriate employees shall attend inservice education sessions unless excused by the superintendent. Inservice programs may utilize all or a portion of the work day.

Approved: USD 303 Board of Education December 21, 1992

**GAE Grievances****GAE**

The board shall provide a procedure whereby each employee shall have the opportunity to have employee grievances timely and fairly considered. Grievance procedures for teachers are contained in the negotiated agreement.

Approved: USD 303 Board of Education February 3, 1992

**GAE-R Grievances****GAE-R****A. Purpose**

The purpose of this procedure is to provide for the orderly and expeditious adjustment of grievances of individual classified employees and administrators of the district at the lowest level.

**B. Definitions**

1. "Grievance" shall mean any alleged violation of the terms and conditions of a classified or administrative employee's contract of employment.
2. "Grievant" means a classified or administrative employee of the district having a grievance.
3. Words denoting numbers shall include both singular and plural.

**C. Procedures**

The adjustment of grievances shall be accomplished as rapidly as is possible. The number of days within each step is prescribed to be accomplished shall be considered as maximum and every effort shall be made to expedite the process. Under unusual circumstances, grievant and the person or persons by whom the grievance is being considered.

**D. Supplemental Conditions**

1. All individuals involved, and all others who might possibly contribute to the acceptable adjustment of a grievance, are authorized and urged to testify with full assurance that no reprisal will follow by reason of such participation.
2. Upon the final determination of the grievance, the documents, communications and records relating to the grievance and the final adjustment thereof shall be maintained.

3. At each step of the procedure for adjusting grievances after the initial private conference(s) with the principal or immediate administrative superior, the grievant shall be entitled to be accompanied by others who might contribute to the acceptable adjustment of the grievance and/or to be represented by legal counsel.
4. All grievance hearing shall be confidential.
5. All discussions and hearing shall be conducted at times other than when school is in session.
6. Excluded from the grievance procedure shall be employee evaluations, termination, and other matters for which law mandates another method of review.
7. Only the employee affected by file a grievance or an appeal from Levels 1 and 2.
8. The filing of a grievance at all levels beyond the informal conference in Level 1 shall be in writing and shall be reasonably specific as to the nature of the complaint. The grievance should, to the extent possible, describe the alleged event and the names and addresses of any witnesses thereto.

E. Level 1

A grievant shall first take up the grievance with the immediate supervisor in a private informal conference(s) within 20 school days after the occurrence of the event upon which a grievance is based or after the grievant becomes aware of such event. If the employee is dissatisfied with the outcome of the initial private conference(s), the employee may request a formal conference with the immediate administrative supervisor. Efforts shall be made to understand the facts and the issues in order to find a solution. The formal conference shall occur within 5 school days following the receipt of the request.

F. Level 2

If the aggrieved person is not satisfied with the disposition of the grievance at Level 1 or that no decision is reached within 5 school days after a formal presentation, the employee may appeal the matter in writing to the superintendent.

If the grievant appeals the grievance to the superintendent, the superintendent shall confer with the grievant in an effort to arrive at a satisfactory solution within 5 school days after the appeal has been received.

If the grievant does not appeal the grievance to the superintendent within 5 school days after the formal conference at Level 1, the grievance shall automatically be waived.

**G. Level 3**

If the grievance is not adjusted to the satisfaction of the grievant or if no decision is made within 5 school days after the date the grievance was filed with the superintendent under Level 2, then the grievant may appeal the grievance to the board for final adjustment of the grievance. The appeal to the board shall be in writing to the clerk of the board within 5 school days after the superintendent has rendered a decision or after the expiration of 5 days.

If the grievant does not appeal the grievance to the board within 5 school days after the formal conference at Level 2, the grievance shall automatically be waived.

The board, upon receipt of the grievance, may assign a hearing officer to hear the grievance and make findings and recommendations to the board. The findings and recommendations shall be made to the board within 5 school days after the grievance has been assigned to the hearing officer. The board shall rule upon the grievance at the next regularly scheduled meeting of the board or at a special meeting after receipt of the findings and recommendations of the hearing officer.

**H. Rules for Conducting a Grievance Procedure Hearing at Level 3**

- 1 The hearing will be conducted in executive session.
- 2 Efforts will be made by all participants to eliminate repetitious testimony and/or materials; however, each participant will be given reasonable time to present testimony and/or materials.
- 3 The grievant will make opening remarks and present the case.
- 4 The administration will make its opening remarks and present its findings in the case.
- 5 Witnesses may be called individually by the grievant and administration to testify before the board. The board may call additional witnesses and may authorize witnesses being called as a group.
- 6 The grievant and the administration may ask questions of the witnesses during the time they are testifying.

- 7 Members of the board may ask questions of all participants during the hearing.
- 8 A summary statement may be made to the board by the grievant.
- 9 A summary statement may be made to the board by the administration.
- 10 Any new materials injected into any summary statement may be rebutted.
- 11 The board will take the matter of the grievance under advisement and render its decision in written form to the grievant at the next regularly scheduled meeting of the board or special meeting.
- 12 The decision rendered by the board shall be the final disposition of any grievance.

Approved: USD 303 Board of Education February 3, 1992

**GAF Staff-Student Relations** (See JGEC, JGECA, GAAC and GAACA)

**GAF**

Staff members shall maintain professional relationships with students, which are conducive to an effective educational environment. Staff members shall not have any interaction of a romantic and/or sexual nature with any student at any time regardless of the student's age or consent.

Approved by USD 303 Board of Education July 12, 2021

**GAG Conflict of Interest****GAG**

District employees are prohibited from engaging in any activity which may be a conflict of interest and/or detracts from the effective performance of their duties. No employee will attempt, during the school day or on school property, to sell or endeavor to influence any student or school employee to buy any product, article, instrument, service or other such item which would directly or indirectly benefit the school employee. No school employee will enter into a contract for remuneration with the district other than a contract for employment unless the contract is awarded on the basis of competitive bidding.

Approved: USD 303 Board of Education February 3, 1992

**GAG-R Conflict of Interest****GAG-R**

Any district employee shall report alleged violations of the conflict of interest policy to the superintendent. The superintendent shall make an initial investigation to determine whether the policy has been violated. Upon evidence of a violation, the superintendent shall report to the board for a board determination. If a district employee has been found to have violated the conflict of interest policy, the board will order the employee, in writing, to cease and desist from all such activities. If the employee fails to comply, the board may suspend or terminate the employee, as facts of the investigation dictate, pursuant to the provisions of GBK-R and GCK.

Approved: USD 303 Board of Education February 3, 1992

**GAH Staff-Community Relations**

**GAH**

Staff members are encouraged to reside within the boundaries of the district.

Participation in Community Activities

Staff members are encouraged to participate in community activities and organizations if these activities do not infringe upon school time.

Approved: USD 303 Board of Education February 3, 1992

**GAH-R Staff-Community Relations**

**GAH**

Participation in Community Activities

Prior permission must be obtained from the superintendent for participation in any non-school community activity which takes place during school time.



Holding Public Office

Staff members elected or appointed to a public office which restricts the employee's ability to complete contractual obligations may be required to take unpaid leave for a period of time determined by the board or may be terminated.

Staff members a holding public office, which in the judgment of the board is less than full time, shall request unpaid leave from the superintendent at least one week in advance.

An employee who must be absent from school to carry out the duties of a public office must take a leave of absence without pay for the duration of the public office.

Political Activity in the Schools

Staff members shall not use school time, school property or school equipment for the purpose of furthering the interests of any political party, the campaign of any political candidate or the advocacy of any political issue.

Approved: USD 303 Board of Education July 13, 2015

**GAI Solicitations****GAI**

Persons seeking to sell, solicit or display on school premises any item requiring the expenditure of district funds must first secure permission from the building principal or superintendent. Appointments with district staff during duty hours shall be held at a time approved by the appropriate supervisor. If a vendor violates this policy, the vendor may be suspended from making appointments with and soliciting school employees. Notices of the suspension shall be provided to district administrative personnel, the vendor's supervisor and the board.

**Solicitations by Staff Members**

Solicitations of students or other school employees by staff members during regular school hours for any reason other than school-sponsored activities are prohibited.

Approved: USD 303 Board of Education February 3, 1992

**GAJ Gifts (cf. JL, KH)**

**GAJ**

Gifts by Staff Members

Staff members shall not give gifts to any student or class of students when the gifts arise out of a school situation, class or school-sponsored activity unless approved by the superintendent.

Gifts to Staff Members

Staff members are prohibited from receiving gifts from vendors, salesman or other such representatives.

Approved: USD 303 Board of Education February 3, 1992

**GAJ-R Gifts (cf. JL, KH)**

**GAJ-R**

Gifts to Staff Members

If an employee of the district is found to have accepted a gift from any person as outlined in this policy, the employee may be subject to disciplinary action.

The superintendent shall be responsible for the administration of this policy.

Approved: USD 303 Board of Education February 3, 1992

## **GAK Personnel Records**

**GAK**

Personnel files required by the district shall be confidential and in the custody of the records custodian and/or the superintendent. Employees have the right to inspect their files upon proper notice under the supervision of an appropriate supervisor. All records and files maintained by the district should be screened periodically by the custodian of records.

All personnel files and evaluation documents, including those stored by electronic means, shall be adequately secured.

### Requests for References

Unless otherwise provided by law, a request by a third party for release of any personnel record shall require the written consent of the employee, and shall be submitted to the records custodian who shall respond to the request as the law allows.

Upon receipt of a written request, district officials may provide information regarding past and present employees to prospective employers in compliance with current law.

Information that may be provided will include:

Employment date(s);

Job description and duties while in the district's employ;

Last salary or wage;

Wage history;

Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation;

Written employee evaluations which were conducted prior to the employee's separation from the employer and to which an employee shall be given a copy upon request.

### Immunity Provided

Unless otherwise provided by law, an employer who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee shall be absolutely immune from civil liability for disclosure of the information noted earlier in this policy to which an employee may have access.

**Prohibition on Aiding and Abetting Sexual Abuse**

Pursuant to the federal Every Student Succeeds Act, the board prohibits the board, individual board members, and any individual or entity who is a district employee, contractor, or agent from assisting a district employee, contractor, or agent in obtaining a new job if the board, individual, or entity knows, or has probably cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. For the purposes of this policy, it shall not be deemed assisting in obtaining a new job if the aforementioned individuals or entities participate in the routine transmission of administrative and personnel files in accordance with law and this policy.

Approved: USD 303 Board of Education January 9, 2017

**GAL Salary Deductions (FLSA)**

**GAL**

The district shall comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). The board prohibits all managers from making any improper deductions from the salaries of exempt employees. Employees shall be made aware of this policy.

If an employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to his or her direct supervisor, or to the superintendent.

Reports of improper deductions shall be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed for any improper deduction made.

Approved: USD 303 Board of Education May 11, 2005

**GAM Personal Appearance**

**GAM**

The board encourages appropriate dress for all district employees.

Approved: USD 303 Board of Education December 21, 1992

**GAN Travel Expenses (See BBBF, CG, CEF, GBRC and GCA)**

**GAN**

The board shall provide reimbursement for expenses incurred in travel related to the duties of the district's employees when approved in advance by the superintendent. Mode of travel will be based on, but not limited to, the availability of transportation, distance and number of persons traveling together. A first class air fare will be reimbursed only when coach space is not available.

Requests for reimbursement shall have the following attached: receipts for transportation, parking, hotels or motels, meals and other expenses for which receipts are ordinarily available. For the authorized use of a personal car, including approved travel between buildings, staff members shall be reimbursed at a mileage rate established by the board.

Approved: USD 303 Board of Education September 8, 2008



**GANA Expense Reimbursement and Credit Cards (See CEF and GAN)****GANA**

Non-administrative staff use of a district credit card, if authorized by the staff member's immediate supervisor, shall be confined to necessary school business and shall be subject to any guidelines for such use established by the board or district administration. Unless otherwise specified in guidelines established pursuant to this policy, staff members shall retain any receipt(s) for district credit card expenditure(s) and shall provide them to the staff member's immediate supervisor as soon as practicable following the expenditure.

The superintendent may designate administrative and other staff members to whom a district credit card will be issued. The board shall annually prescribe limits and restrictions on the use of district credit cards and shall monitor monthly receipts and reimbursement expenses.

All rewards points or cash back payments earned using district credit cards are district property and shall be either applied to future district credit card purchases or remitted to the district treasurer for accounting and deposit. Accountings of district credit card use shall be provided to the board for review on a monthly basis, and a record of district credit card usage shall be maintained. Expenses for district travel in personal vehicles or extended travel incurred in the performance of official duties shall be reimbursed in accordance with the provisions of GAN.

Approved: USD 303 Board of Education , July 13, 2015

**GAO Maintaining Proper Control (See JGFB and GAAF)**

**GAO**

Each employee is responsible for maintaining proper control in the school. Unless otherwise specified in board policy, an employee may use reasonable force necessary to ward off an attack, to protect a student or another person, or to quell a disturbance which threatens physical injury to others.

Approved: USD 303 Board of Education, March 10, 2014

## **GAOA Drug and Alcohol Free Workplace (See LDD)**

**GAOA**

Maintaining a drug free work place is important in establishing an appropriate learning environment for the students of the district. Unless otherwise specified in this policy, the unlawful manufacture, distribution, sale, dispensation, possession, or use of a controlled substance is prohibited at school, on or in school district property; and at school sponsored activities, programs, and events. Possession and/or use of a controlled substance by an employee for the purposes of this policy shall only be permitted if such substance was obtained directly, or pursuant to a valid prescription or order issued thereto, from a person licensed by the state to dispense, prescribe, or administer controlled substances and any use is in accordance with label directions.

As a condition of employment in the district, employees shall abide by the terms of this policy.

Employees shall not unlawfully manufacture, distribute, dispense, possess, and/or use controlled substances in the workplace.

Any employee who is convicted under a criminal drug statute for a violation occurring at the workplace must notify the superintendent of the conviction within five days after the conviction. The superintendent shall then ensure that notice of such conviction is given to any granting agency within 10 days of receiving notice thereof.

Within 30 days after the notice of conviction is received, the school district will take appropriate action with the employee. Such action may include, suspension, placement on probationary status, or other disciplinary action including termination. 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. Each employee in the district shall be given a copy of this policy.

This policy is intended to implement the requirements of the federal regulations promulgated under the Drug Free Workplace Act of 1988. It is not intended to supplant or otherwise diminish disciplinary actions which may be taken under board policies or the negotiated agreement.

Maintaining a drug free workplace is important in establishing an appropriate learning environment for the students of the district. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district.

**GAOA Drug Free Workplace****GAOA-2**

The superintendent shall then ensure that notice of such conviction is given to any granting agency within 10 days of receiving notice thereof.

Within 30 days after the notice of conviction is received, 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 other 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.

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

This policy is intended to implement the requirements of the federal regulations promulgated under the Drug Free Workplace Act of 1988. It is not intended to supplant or otherwise diminish disciplinary actions which may be taken under board policies or the negotiated agreement.

Approved: USD 303 Board of Education, March 10, 2014

## **GAOB Drug-Free Schools (See JDDA and LDD)**

**GAOB**

The possession, use, sale, distribution, or being under the influence of controlled substances and/or alcohol by school employees at school; on, in, or while utilizing school property; or at school sponsored activities, programs, or events is prohibited.

### Employee Conduct

As a condition of continued employment in the district, all employees shall abide by the terms of this policy. Employees shall not manufacture, distribute, dispense, possess, use, and/or be under the influence of illicit drugs, controlled substances, and/or alcoholic beverages at school; on, in, or while utilizing school property; or at school sponsored activities, programs, or events.

Possession, use, and/or being under the influence of a controlled substance by an employee for the purposes of this policy shall only be permitted if such substance was:

- 1 Obtained directly from, or pursuant to a valid prescription or order, issued to such employee from a person licensed by the state to dispense, prescribe, or administer controlled substances; and
- 2 Used, if at all, in accordance with label directions.

Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. Additionally, an employee who violates the terms of this policy may be subject to any or all of the following sanctions:

1. Short term suspension with pay;
2. Short term suspension without pay;
3. Long term suspension without pay;
4. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program;
5. Termination or nonrenewal of employment relationship.

Prior to applying sanctions under this policy, employees will be afforded any 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. This policy is not intended to change any right, duty, or responsibilities in the current negotiated agreement.

**GAOB Drug-Free Schools (See JDDA and LDD)**

**GAOB-2**

If it is agreed that an employee shall enter into and complete a drug education or rehabilitation program, the cost of such program will be borne by the employee. A list of area drug and alcohol counseling and rehabilitation programs, along with names and addresses of contact persons for the programs, is on file with the board clerk.

Employees are responsible for contacting the directors of the programs to determine the cost and length of the program and for enrolling in the programs. If participation in such a program is required as a condition of continued employment, copies of any documentation related to enrollment in and attendance in such program shall be made available to the board and/or administration upon request.

A copy of this policy shall be provided to all employees.

Approved: USD 303 Board of Education, March 10, 2014

The use, possession, or promotion of any tobacco product by staff members is prohibited at all times in any district facility; in school vehicles; at school-sponsored activities, programs or events; and on school owned or operated property at all times.

The following definitions apply to this policy:

**“Tobacco product”** means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to: electronic nicotine delivery systems (ENDS), cigarettes, cigars, pipe tobacco, chewing tobacco, snuff or snus.

Tobacco product also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, charging devices, cartridges and any substance used in ENDS, whether or not they contain nicotine. This definition does not include FDA-approved Nicotine Replacement Therapies including transdermal nicotine patches, nicotine gum, or nicotine lozenges prescribed to the employee by a medical practitioner or obtained over the counter and used in accordance with label requirements.

**“Electronic Nicotine Delivery System (ENDS)”** means any device that delivers a vaporized solution (including nicotine, THC or any other substance) by means of cartridges or other chemical delivery systems. Such definition shall include, but may not be limited to, any electronic cigarette, vape pen, hookah pen, cigar, cigarillo, pipe, or personal vaporizer. ENDS are not FDA-approved Nicotine Replacement Therapy devices.

**“Promotion”** includes, but is not limited to, product advertising via branded gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

Approved: USD 303 Board of Education July 13, 2020

**GAOD Drug and Alcohol Testing****GAOD**

This policy shall apply to all employees who are performing safety sensitive jobs for the district which require a commercial driver's license (CDL) as defined by the Omnibus Transportation Act of 1991. A board-approved plan stating compliance requirements is on file with the clerk. Copies of the plan shall be given to each appropriate employee in a safety sensitive position as defined by board policy.

Approved: USD 303 Board of Education January 3, 1996



## **GAOE Workers Compensation (See KFD)**

**GAOE**

The district will participate in workers compensation as required by current statute. The combined workers' compensation benefits and salary received under allowed paid leave shall not exceed one full day's pay.

All employees of the district shall be covered by workers compensation. Workers compensation coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits are for personal injury from accident or industrial diseases arising out of and in the course of employment in the district.

An injured employee must notify the designated employer's workers compensation coordinator, or, if the coordinator is unavailable, his or her supervisor, either orally or in writing within 30 days of accidental injury or repetitive trauma in order to be eligible for benefits. If the individual no longer works for the district, the former employee has 20 calendar days after the individual's last day of employment with the district to report an injury suffered during a work-related accident or repetitive trauma.

The workers compensation plan will provide coverage for medical expenses and wages to the extent required by statute to those employees who qualify; however, the amount of workers compensation benefits and paid leave benefits shall not exceed a regular daily rate of pay. An employee using paid leave, in combination with workers compensation will be charged for one full or partial day of paid leave, as provided for in the applicable leave policy or the negotiated agreement, for each day of absence until the employee's paid leave is exhausted.

Any employee who is off work and receiving workers compensation benefits shall be required to provide the designated workers compensation coordinator with a written doctor's release before the employee is allowed to return to work. In addition, should the employee be released to return to work by a doctor and fail to do so, all benefits under paid leave shall terminate and those benefits under workers compensation shall be restricted as provided by current statute.

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury or is receiving district paid disability insurance, the employee may use available paid leave to supplement the workers compensation or district paid disability insurance payments. Workers compensation benefits and FMLA benefits provided in a board approved plan shall run concurrently if both are applicable.

In no event shall the employee be entitled to a combination of workers compensation benefits, district paid disability insurance, and salary in excess of his/her full salary. Available paid leave may be used for this purpose until 1) available paid leave benefits are exhausted; 2) the employee returns to work; 3) the employee is released by the medical provider and a position is offered by the employer, but the employee declines to return to work; or 4) employment is terminated. Paid leave shall be calculated on a pro rata amount equal to the percentage of salary paid by the district.

#### Testing

The board, through its designated workers compensation coordinator, may require employees who claim or are involved in an accident in the course of employment to submit to a post-injury chemical test. This includes instances where the district administration or workers compensation coordinator has actual knowledge of an accident whether the employee has or has not requested medical treatment. If an employee refuses to submit to an employer requested post-injury chemical test, the employee forfeits all related worker compensation benefits as provided in KSA 44-501(b)(1)(E). Testing and the procedures used therefore shall conform to all relevant Kansas statutes.

#### Choice of Physician

The board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing their job. However, if the injured employee chooses to go to a medical provider other than the designated provider, the recovery for such expenses shall be limited to \$800.00.

Approved: USD 303 Board of Education September 9, 2024



**GAOF Salary Deductions (Also see GAL)**

**GAOF**

Salary deductions shall be made if permitted by board policy, the negotiated agreement, or required by law. The district shall comply with the salary basis requirements of the Fair Labor Standards Act (FLSA).

The superintendent shall develop forms to provide information needed to make approved salary deductions. All requests for salary deductions shall be submitted to the superintendent during enrollment periods established by the board.

Approved: USD 303 Board of Education October 14, 2013

**GAQ Retirement (cf. GBN)**

**GAQ**

Employees are requested to notify the board of an intent to retire.

Approved: USD 303 Board of Education February 17, 2005

## **GAR Communicable Diseases**

**GAR**

Whenever an employee has been diagnosed by a physician as having a communicable disease, the employee shall report the diagnosis and nature of the disease to the superintendent so that a proper reporting may be made to the county or joint board of health as required by statute.

An employee afflicted with a severe communicable disease dangerous to the public health may be excluded from district owned or operated property for the duration of the illness in order to give maximum health protection to other district employees and to students.

The employee shall be allowed to return to duty upon termination of the illness, when authorized by the employee's physician or local health officer, or after the expiration of any period of isolation or quarantine.

The board reserves the right to require a written statement from the employee's physician or local health officer indicating that the employee is free from all symptoms of a severe communicable disease.

In the event that a district employee has been diagnosed as having a communicable disease and the superintendent has been notified by the employee, as provided in policy, the superintendent shall determine whether a release shall be obtained from the employee's physician or local health officer before the employee returns to his duties.

Decisions regarding the type of employment setting for an employee with a communicable disease shall be made by the superintendent or the superintendent's designee based upon consideration of the physical condition of the employee and the following factors:

- The nature of the risk;
- The duration of the risk;
- The severity of the risk; and
- The probability that the disease will be transmitted or cause harm to the employee or to others who will share the same setting.

No information regarding employees with communicable diseases shall be released by school personnel without the employee's consent except as allowed by state or federal statutes.

**GAR Communicable Diseases**

**GAR 2**

Additional Certification of Health

If at any time the board has reason to believe that an employee is suffering from an illness detrimental to the health of pupils, the board reserves the right to require such employee to provide the board with a new certificate of health in order to protect the health, safety, and welfare of the school's students.

Approved: USD 303 Board of Education January 11, 2021

**GARA Bloodborne Pathogen Exposure Control Plan**

**GARA**

The board shall adopt an exposure control plan.

The plan shall be accessible to all employees and shall be reviewed and updated at least annually. All staff shall receive the training and equipment necessary to implement the plan.

Approved: USD 303 Board of Education February 9, 2015



**GARI Family and Medical Leave****GARI**

Eligible district employees shall be provided family and medical leave as provided by a plan approved by the board. The plan for providing leave under this policy shall be filed with the clerk of the board and made available to all staff at the beginning of each school year.

Approved: USD 303 Board of Education July 25, 2016

## FAMILY AND MEDICAL LEAVE PLAN

Family and medical leave as required by federal law shall be granted for a period of up to 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses who are eligible for FMLA leave and are both employed by the district may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

Leave is available for the following:

1. the birth of a son or daughter of the employee and to care for the newborn child;
2. the placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;
3. to allow the employee to care for the employee's spouse, son, daughter, or parent with a serious health condition;
4. a serious health condition of the employee that makes the employee unable to perform the functions of his or her job;
5. any qualifying exigency arising out of the fact that the employee's
6. spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation; and
7. the need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are, for reason (6) only, entitled to a combined total of 26 workweeks of leave during a 12-month period.

This leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, or sick leave that is available for use because of the reason for the leave, the paid leave shall be used concurrently with the annual family and medical leave. The superintendent will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave if he or she has been employed by the district for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

During the period of any unpaid family and medical leave, the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the clerk of the board on the payroll date or other time as the employee and superintendent may agree prior to the commencement of the leave. The board may terminate group health coverage if

the employee's portion of the payment is not received within 30 days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least 15 days prior to the termination.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as is practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of the following within 5 business days, absent extenuating circumstances:

- a. whether or not the employee is eligible for FMLA leave, and the reasons that leave will or will not count as family and medical leave;
- b. any requirements for medical certification;
- c. employer requirement of substituting paid leave;
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share;
- e. right to be restored to same or equivalent job; and
- f. any employer required fitness-for-duty certifications.

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

Leave for reason 1 or 2 must be taken within 12 months of the date of birth or placement of the child. Family leave for reasons 1 or 2 may not be used intermittently or on a part-time basis without the prior approval of the superintendent.

If the leave is for a reason other than the employee's serious health conditions or for a qualifying exigency as described in section (5) above, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two(2)weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

## **GARIA Pregnant and Parenting Employees**

**GARIA**

(See GAAA and GAAB)

The board prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions. Pregnant and nursing employees will be provided accommodations as required by law.

### Reasonable Accommodations for Pregnancy-Related Limitations

The Pregnant Workers Fairness Act requires employers to provide reasonable accommodations to qualified applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions. An accommodation is not reasonable if it would impose an undue hardship on the operation of the school system. No adverse action will be taken against an applicant or employee for requesting or using a reasonable accommodation.

### Break Time to Express Milk

Qualified employees will be provided reasonable break times to express breast milk each time the employee has need to express milk. The principal or the site supervisor will designate a place, other than a bathroom, that the employee may use to express milk. Any designated place must be functional as a space for expressing milk, shielded from view, and free from intrusion from others.

Approved: USD 303 Board of Education February 12, 2024

## **GARID Uniformed Service Leave**

**GARID**

Employees are entitled to leave under the Uniformed Services Employment and Reemployment Act of 1994. The Act applies to uniformed service that began on or after December 12, 1994, or uniformed service that began before December 12, 1994, if the employee was a reservist or National Guard member who provided notice to the employer before leaving work. The Act only applies to commissioned officer corps of the National Oceanic and Atmospheric Administration whose service began on or after December 23, 2020, or were actively engaged in service on December 23, 2020.

Reemployment rights extend to persons who have been absent from work because of “service in the uniformed services.” Service in the uniformed services means the performance of a duty on a voluntary or involuntary basis in a uniformed service as outlined below:

<b>TYPE OF UNIFORM SERVICE</b>	<b>TYPE OF DUTY</b>
United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard	Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty
Reserves of the United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard	Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, performing funeral honors duty
Army National Guard or Air National Guard	Active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, state active duty for a period of 14 days or more, state active duty in response to a national emergency or major disaster declared by the President, state active duty in response to a major disaster, absence from work for an examination to determine a person’s fitness for any of the above types of duty, performing funeral honors duty

## **GARID Uniformed Service Leave**

## **GARID-2**

Commissioned Corps of the Public Health Service	Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty
Commissioned Officer Corps of the National Oceanic and Atmospheric Administration	Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty
System Members of the National Urban Search and Rescue Response System	Participation of the System member in exercises, pre-incident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator
Intermittent Personnel Appointed to the Federal Emergency Management Agency	Service to the Federal Emergency Management Agency or to train for such service
Any Other Category of Persons Designated by the President in a Time of War or National Emergency	Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty

The employee may be absent for up to five (5) years for uniformed service and retain reemployment rights. There are, however, exceptions which can exceed the five (5) year limit. Reemployment protection does not depend on the timing, frequency, duration or nature of an individual's service.

The law enhances protections for disabled veterans including a requirement to provide reasonable accommodations and up to two (2) years to return to work if convalescing from injuries received during service or training.

## **GARID Uniformed Service Leave**

**GARID-3**

The returning employee is entitled to be reemployed in the job that they would have attained had they not been absent for uniformed service, with the same seniority, status and pay, as well as other rights and benefits determined by law. If necessary, the employer must provide training or retraining that enables the employee to refresh or upgrade their skills so they can qualify for reemployment. While the individual is performing uniformed service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-USERRA rights accorded other individuals on non-military leaves of absence. Individuals performing uniformed duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months at a cost of up to 102 percent of the full premium. For uniformed service of less than 31 days, health care coverage is provided as if the individual had never left. All pensions which are a reward for length of service are protected.

An individual must provide advance written or verbal notice to their employers for any uniformed service. Notice may be provided by the employee or by the branch of the uniformed service in which the individual will be serving.

Notice is not required if uniformed service necessity prevents the giving of notice; or, if the giving of notice is otherwise impossible or unreasonable.

Accrued vacation or annual leave may be used - but is not required - while performing uniformed service. The individual's timeframe for returning to work is based upon the time spent on uniformed service.

### **TIME SPENT IN UNIFORMED SERVICE**

### **RETURN TO WORK OR APPLICATION FOR REEMPLOYMENT**

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**Less than 31 days:**

**Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.**

**More than 30 but less than 181 days:      Must submit an application for reemployment within 14 days of release from service.**

**More than 180 days:              Must submit an application for reemployment within 90 days of release from service.**

The individual's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. Documentation showing eligibility for reemployment can be required. The employer has the right to request that an individual who is absent for a period of service of 31 days or more provide documentation showing:

- The application for reemployment is timely;
- the five-year service limitation has not been exceeded; and
- separation from service was under honorable conditions.

If documentation is not readily available or does not exist, the individual must be reemployed. However, if after reemploying the individual, documentation becomes available that shows one or more reemployment requirements were not met, the employer may terminate the individual, effective immediately. The termination does not operate retroactively.

Questions regarding uniformed service should be directed to Veterans' Employment and Training Service, U.S. Department of Labor.

Kansas law also requires reemployment if an individual is called to active duty by the state.

Approved: USD 303 Board of Education February 12, 2024



## **GAT Staff Use of Communication Devices (See IIBG and IIBGC)**

**GAT**

The board encourages district employees to use technology, including communication devices, to improve efficiency and safety. The district expects all employees to use communication devices in a responsible manner that does not interfere with the employee's job duties. Employees who violate district policies and procedures governing the use of communication devices may be disciplined, up to and including termination, and may be prohibited from possessing or using communication devices while at work. Communication devices may not be used in any manner that would violate the district's policy on student-staff relations.

### Definitions

“Communication device” is defined to include all portable devices that send or receive calls or text messages, allow the retrieval of email, or provide access to the Internet. Communication devices shall include, but may not be limited to cell phones, smart phones, iPads, and tablets.

“Use/Using” for the purposes of this policy mean answering or talking on the phone; sending or responding to a text, e-mail, or other communication; opening and viewing pictures or digital recordings; opening and listening to music or audio communications; accessing social media websites; playing games on such device; continuously checking a communication device; or any activity with a communication device that interferes with the employee’s job duties or appropriate supervision of students.

### General Use

The district prohibits employees from using any communication device that interrupts or disrupts the performance of duties by the employee or otherwise interferes with district operations, as determined by the employee's supervisor. This prohibition applies regardless of whether the communication device used is owned by the employee or provided by the district. Employees are responsible for keeping communication devices secure and, if possible, password protected.

Supervision of students and the provision of academic instruction are priorities in the district, and employees who are responsible for supervising and/or providing academic instruction to students must concentrate on these tasks at all times. Employees shall not use communication devices when they are responsible for supervising students or when their doing

so interrupts or interferes with classroom instruction unless any of the following conditions occurs:

- The device is being used to instruct the students being supervised at the time;
- The use is necessary to the performance of an employment-related duty;
- The employee has received specific and direct permission from a supervisor to do so; or
- There is an emergency.

Even when these conditions exist, the employee is responsible for obtaining assistance in adequately supervising students during the approved use so that students are supervised at all times.

#### Use in Vehicles

Regardless of other provisions of this policy, unless there is an emergency, employees shall not use communication devices when:

- Driving district-provided vehicles;
- Operating a vehicle in which a student is being transported when the transportation is provided as part of the employee's job; or
- Supervising students who are entering or exiting a vehicle, crossing thoroughfares, or are otherwise attempting to safely reach their destinations.

Even in emergency situations, employees should first take all possible safety precautions before using communication devices. Employees are subject to local, state, and federal laws governing use of cell phones while driving and will be solely responsible for all traffic violation liabilities resulting from their use of a phone while driving.

#### Use of District-Provided Communication Devices

The district may provide communication devices and service to some employees to assist them in carrying out their employment-related duties on and off district property. Use of a district-provided communication device is a privilege. The superintendent or designee has sole discretion as to which employees will be provided communication devices and may recall any previously issued communication device. Employees do not have any expectation of privacy in district-provided communication devices or any information stored on them, and such devices may be confiscated and searched at any time.

**GAT Staff Use of Communication Devices (See IIBG and IIBGC)**

**GAT-3**

Employees are expected to exercise reasonable care to protect district-provided communication devices from damage or theft and must report any such incidents immediately.

The district may require employees to reimburse the district for any damage or theft that was the result of the employee's negligence. Users of district-provided communication devices must abide by any use limitations included in the district's service contract.

Personal Use of District-Provided Communication Devices

Personal use of district-provided communication devices is permissible as long as the use does not exceed the limits of the applicable plan. An employee whose use exceeds plan limitations will be required to reimburse the district for all expenses beyond those covered by the plan and may have privileges suspended or revoked unless the employee can show that all use was for employment-related duties and the device was not used for personal reasons. The amount of personal use of a communication device or service paid for under E-Rate can be no greater than the cost allocation submitted in the request for the E-Rate discount.

Staff Bring Your Own Device Policy

Use of employees' personal communication devices during work hours shall be restricted to classroom or work-related activities. Such personal communication devices may only be used by the staff member and are not for student use. The security of personal computing devices is solely the responsibility of the staff member. Any loss resulting from damage or theft of personal communication devices in the school setting is not the responsibility of the district.

Approved: USD 303 Board of Education February 9, 2015

Relationship of Board to Staff

The board believes that teachers have an important role in public education and that as professional people they deserve special recognition for their efforts.

Teachers shall have the right to participate in policy matters which are closely associated with their working conditions and responsibilities.

An individual teacher desiring board consideration shall file a request through the superintendent.

The board should communicate with individual teachers through the superintendent.

The board shall not recruit or recommend candidates for teaching positions. This task shall be discharged by the superintendent and his staff.

General Requirements for Employment

Qualifications: It shall be the policy of the board to employ on the instructional staff only those persons who hold at least a bachelor's degree with an academic major in the appropriate subject field and/or teaching area.

Certification: All instructional personnel shall have teacher certificates duly recorded with the clerk or the board, that legally qualify them for the work to which they are assigned. All instructional personnel employed in elementary and secondary schools are expected to keep themselves informed of essential instructional improvement through professional group discussions and school visitations.

Approved: USD 303 Board of Education October 11, 1993

**GBA Compensation Guides and Contracts**

**GBA**

Compensation guides for the district are contained in the negotiated agreement.

Approved: USD 303 Board of Education February 3, 1992

**GBAA Cell Phone Reimbursement****GBAA**

District and building administration will be reimbursed at the approved monthly rate set at the organizational meeting in July for the use of their personal cell phone for official school duties. Reimbursements will occur biannually in December and May.

Approved: USD 303 Board of Education December 14, 2015

**GBBA Qualifications and Duties**

**GBBA**

Qualifications and duties are contained in the negotiated agreement and job description handbook.

Approved: USD 303 Board of Education February 3, 1992

**GBC Recruitment****GBC**

Subject to board approval, the superintendent is directed to recruit qualified personnel to staff the schools. The superintendent may request building principals or other staff members to assist in this effort.

Approved: USD 303 Board of Education February 3, 1992



**GBD Hiring****GBD**

## Certified Selection

The board shall approve the employment of all employees. While this responsibility cannot be waived, the board delegates to the superintendent the authority to recruit staff members. In carrying out this responsibility, the superintendent may involve administrators and teachers.

Approved: USD 303 Board of Education February 3, 1992

**GBD Hiring (cf. GAAA)****GBD-R**

All employment contracts recommended by the superintendent are subject to ratification by the board.

The employment of any staff members is not official until the contract is signed by the candidate and approved by the board.

The hiring sequence shall be as follows:

- The verbal offer of employment to the candidate
- Verbal acceptance by the candidate
- Contract sent to the candidate and candidate's acceptance signified by a signed contract returned to the superintendent and
- Approval of the contract by the board

Approved: USD 303 Board of Education February 3, 1992

**GBE Assignment and Transfer**

**GBE**

The board retains the right to assign, reassign and transfer all personnel.

Approved: USD 303 Board of Education February 3, 1992

**GBG Probation****GBG**

The authority to recommend to the board that certified staff members be placed on probation is delegated to the superintendent. The board, after hearing the superintendent's recommendation for probation and after evaluating the evidence gathered by the administrative staff, may place a certified staff member on probation. The term of probation will be established by the board, but in no event shall said probation extend beyond a one calendar year. A second year of probation may be instituted when sufficient progress has not been made by the staff member.

Approved: USD 303 Board of Education December 21, 1992

**GBG Probation****GBG\_R**

All conditions of probation shall be in writing. One copy shall be given to the employee and one copy shall be placed the employee's personnel file.

Failure by an employee to remedy the causes of probation may result in nonrenewal or termination of the employment contract.

Approved: USD 303 Board of Education February 3, 1992

**GBH Supervision****GBH**

The responsibility for the immediate supervision of faculty members rests with each building principal. The superintendent and other central office administrators designated by the superintendent also have a right to supervise faculty members.

Approved: USD 303 Board of Education February 3, 1992

## **GBI Evaluation**

**GBI**

The board shall adopt an approved evaluation instrument. The instrument shall govern evaluation of teachers, shall be filed in the central office with the clerk of the board and may be published in teacher handbooks.

### Availability of Evaluation Documents

Completed evaluation documents shall be available to the employee, the superintendent, assistant superintendent, other administrators under whose supervision the teacher works, and others authorized by law. (See GAK)

### Evaluation Criteria

Evaluation criteria shall be established by the board.

Approved: October 13, 2004

**GBK Suspension****GBK**

The superintendent shall have the authority to suspend licensed employees with pay pending further board action.

The superintendent may suspend licensed employees with pay for any reason, including, but not limited to, one or more of the following: alleged violation of board policy, rule or regulation; refusal or failure to follow a reasonable directive of an administrator; the filing of a complaint against the employee with any civil or criminal authority; the alleged commission of an offense involving moral turpitude; or other good cause.

If a suspension without pay is imposed on an employee, the employee is entitled to pay until the employee has been advised of the basis for suspension and has been given an opportunity to respond.

Approved: USD 303 Board of Education September 9, 2008

**GBN Separation**

**GBN**

The administration shall recommend any change in employment status to the board.  
Nonrenewal or termination shall be in accordance with Kansas law.

Approved: USD 303 Board of Education January 8, 1997

## **GBO Resignation**

**GBO**

The board shall consider any licensed employee's resignation which is submitted to the board in writing. The board may accept resignations from employees under contract when the resignation will be in the best interests of the district.

A licensed employee who has signed a contract and accepted a teaching position in the district for the coming year or who has not resigned by the continuing contract notice deadline shall not be released from that contract to accept another position until a suitable replacement has been employed.

If the licensed employee terminates employment in the district without complying with board policy, the board may petition the State Board of Education to have the teacher's certificate or license suspended.

### Exit Interviews

Exit interviews may be conducted after an employee resigns.

Approved: USD 303 Board of Education July 9, 2018



**GBP Reemployment**

**GBP**

The board shall give no preference to former employees in filling vacancies.

Approved: USD 303 Board of Education February 3, 1992

## **GBQA Reduction of Teaching Staff**

**GBQA**

Unless otherwise provided in the negotiated agreement, the board decides the size of the teaching staff must be reduced, the following guidelines shall be followed.

Insofar as possible, reduction of staff shall be accomplished by attrition due to resignations and retirement. Following attrition, if additional reductions are required, the following steps will be utilized by the district's administrative staff to reduce the teaching staff:

- The number of teaching positions to be reduced shall be in accordance with the educational goals established by the board.
- The number of teachers needed to implement the district's educational program will then be determined by the administrative staff based on those educational goals in determining which teachers will be nonrenewed due to reduction in force.
- The educational goals and needs of the district, individual certifications, qualifications, training, skills, evaluations, and interests

If all the teachers in the area identified have similar certifications, qualifications, training, skills, evaluations and interest, the teacher(s) who best meets the needs of the district, considering the factors outlined above and any other relevant factors, will be retained.

Any certified employee who has not been reemployed as a result of reduction of the teaching staff shall be considered for reemployment if a vacancy exists for which the teacher would qualify. Certified employees who may be eligible for reemployment are required to notify the district of their current address. The superintendent will recommend to the board reinstatement of any teacher he/she deems qualified and able to serve the best interests of the district. The board shall not be required to consider reinstatement of any teacher after a period of one year from the date of nonrenewal.

Approved: USD 303 Board of Education July 10, 2022

**GBR Work Schedule (See JGFB)****GBR**

Certified personnel must be at their assigned area during each duty day. Any teacher who finds it necessary to leave while supervising students shall first secure approval from the principal. Building and playground assignments shall be made by the principal.

**Work Schedule**

The minimum length of the school day for licensed and professional staff shall be defined in the negotiated agreement. Work schedules for other employees shall be defined by the superintendent consistent with the Fair Labor Standards Act (FLSA) and the provisions of this policy.

**Attendance Required**

Regular attendance is required of all employees subject to leave provisions in district policy or the negotiated agreement, as appropriate. Excessive absences or tardiness, unauthorized leave or unexcused absences may result in disciplinary action including termination of employment.

Approved: USD 303 Board of Education May 11, 2005

## **GBRC Professional Development (See GBRH and GAN)**

**GBRC**

There shall be a program of professional development for employees, which meets minimum statutory and State Board of Education requirements. The program shall promote:

- Continuous professional development;
- Improving academic achievement for all students;
- Diversification in academic foundations or subject knowledge; and
- Improved job effectiveness and enhanced skills.

When appropriate, the superintendent shall consult with the staff about professional development activities.

All appropriate employees shall attend professional development sessions unless excused by the superintendent. Professional development programs may use all or a portion of the workday.

Approved: USD 303 Board of Education September 8, 2003

**GBRD Staff Meetings**

**GBRD**

Staff meetings for certified employees shall be called by the administration.

Approved: USD 303 Board of Education February 3, 1992

**GBRE Additional Duty**

**GBRE**

The board may establish other educational assignments that may extend beyond the school day or time class is in session. Compensation for such assignments, if any, will be as specified in the negotiated agreement.

Approved: USD 303 Board of Education July 25, 2016

**GBRF Student and Parent Conferences****GBRF**

Teachers shall be available for student and/or parent conferences at mutually convenient times. The principal may schedule individual or building-wide parent-teacher conference as necessary.

Approved: USD 303 Board of Education February 8, 2016

**GBRG Non-school Employment**

**GBRG**

The board reserves the right of exclusive access to the professional services of certified employees in accordance with the terms of the contract.

Certified employees shall not be permitted to engage in outside employment which impairs the effectiveness of their instructional service.

Approved: USD 303 Board of Education February 3, 1992



**GBRGA Consulting**

**GBRGA**

Certified employees may be excused from regular duty by the board to perform technical or instructional services as consultants to other districts, government agencies or private industry.

Approved: USD 303 Board of Education February 3, 1992

**GBRGA-R Consulting**

**GBRGA-R**

Requests for approval to serve as a consultant shall be submitted in writing to the superintendent who shall forward the request together with a recommendation to the board for consideration.

Approved: USD 303 Board of Education February 3, 1992

**GBRGB Tutoring for Pay**

**GBRGB**

Teachers shall not receive pay for tutoring or private instruction at school unless approved in advance by the board.

Approved: USD 303 Board of Education September 8, 2008

**GBRI Personal Leaves and Absences**

**GBRI**

Personal leaves and absences are contained in the negotiated agreement.

Approved: USD 303 Board of Education February 3, 1992

**GBRH Leave of Absence**

**GBRH**

Certified employees may be granted leave as contained in the Negotiated Agreement and other legal leaves of absence per policy.

Approved: USD 303 Board of Education July 11, 2022

**GBRIBA Disability Leave (CGPGC)**

**GBRIBA**

The board may grant leave of absences for disability with or without pay. Disability is a temporary suspension of duties subject to the board's policies and other federal policies.

Approved: USD 303 Board of Education July 11, 2022

**GBRID Military leave (GCPGD)**

**GBRID**

The board may grant leave of absences for military with or without pay according to federal/state policies.

Approved: USD 303 Board of Education July 11, 2022

## **GBRJ Substitute Teaching**

**GBRJ**

Qualified substitute teachers shall be secured for the district.

The superintendent or the superintendent's designee may meet with potential substitutes before the start of each school year. All substitutes will be approved by the board prior to employment.

The district office shall compile a list of approved substitute teachers and each building shall have a copy of the list prior to the beginning of each school year.

The board shall establish the rate of pay for substitute teachers annually.

Candidates will be given information regarding expectations in performance of their job.

Substitutes are encouraged to prepare, in advance, for the subjects in which they are most likely to substitute in case lesson plans are not available as required in IKI. Whenever a teacher is to be absent from teaching duties, the teacher shall notify the principal as early as possible or shall arrange to have some other person notify the principal.

Approved: USD 303 Board of Education July 11, 2022

An educator in the performance of his duties shall:

- Meet and continuously maintain applicable certification or licensure requirements as defined by state and/or federal law for position held;
- Actively support and pursue the district's educational mission;
- Recognize basic dignities of all individuals;
- Maintain professional integrity;
- Avoid accepting anything of substantial value offered by another which is known to be or which may appear to influence judgment or the performance of duties;
- Accurately represent professional qualifications; and
- Be responsible to present any subject matter in a fair and accurate manner.

Approved: USD 303 Board of Education January 9, 2017



**GC Noncertified Personnel Section**

**GC**

The noncertified staff shall include custodians, clerks and secretaries but mechanics and drivers, school lunch workers and any other persons employed by the board to do work or render services in and about the school buildings.

All noncertified personnel shall be under the supervision of the superintendent. They should communicate with the board through the superintendent and the board should communicate with the individual employees through the superintendent.

The board shall only recruit, screen or recommend candidates for non-instructional positions or jobs in the absences of a superintendent. These tasks normally shall be discharged by the superintendent and his staff.

Approved: USD 303 Board of Education February 3, 1992

## **GCA Compensation and Work Assignments**

**GCA**

Classified employees shall be paid according to pay rates established by the board. Payment shall be made at the established pay date following the end of each pay period.

### Work Assignments

Subject to board approval, the superintendent shall develop time schedules for all classified employees. Work assignments for classified employees shall be made by the superintendent.

### Attendance Required

Regular attendance is required of all employees subject to leave provisions in district policy, employee handbooks or other documents approved by the board. Excessive absences or tardiness, unauthorized leave or unexcused absences may result in disciplinary action including termination of employment.

### Workweek

For the purposes of Fair Labor Standards Act (FLSA) compliance, the workweek will be 12:00 a.m. Monday until 11:59 p.m. Sunday.

### **Classification of Employees**

For purposes of compliance with the Fair Labor Standards Act (FLSA), the superintendent shall ensure that all job positions are classified as exempt or nonexempt and that employees are made aware of such classifications.

### Overtime

No non-exempt employee shall work more than that the hours stated on his/her contract without the prior permission of the appropriate supervisor. Principals and supervisors shall monitor employee's work to ensure that the overtime provisions of this policy and the Fair Labor Standards Act are followed. All employees shall be compensated for overtime worked, at a rate of one and a half times their normal rate of pay for any hours worked over 40 in a workweek.

Nonexempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Overtime pay will be provided only if an employee works more than 40 hours in a workweek.

### **Compensation for Out-of-Town/Overnight Trips (See GAN)**

When classified personnel are required to be out of town on district business, they shall be compensated in the following manner:

## **GCA Compensation and Work Assignments**

**GCA-2**

Regular or overtime pay as appropriate for time away from Ness City MINUS:

- Eight hours for sleep when overnight;
- Reasonable time for meals (normally one hour per meal); and
- Time used exclusive for pleasure or personal business.

Approved: USD 303 Board of Education May 11, 2005

## **GCAA Cell Phone Reimbursement**

**GCAA**

At the discretion of the Superintendent, classified employees will be reimbursed at the approved monthly rate set at the organizational meeting in July for the use of their personal cell phone for official school duties. Reimbursements will occur biannually in December and May.

Approved: USD 303 Board of Education December 14, 2015

**GCBA Job Descriptions****GCBA**

A comprehensive job description for each classification of noncertified employee will be developed by the district's administrator. Job descriptions will be filed with the clerk and may be published in the job description handbook.

Approved: USD 303 Board of Education February 3, 1992

**GCC Recruitment**

**GCC**

The superintendent will recruit noncertified personnel to fill exiting or proposed vacancies and recommend that the board hire the best qualified candidate.

Approved: USD 303 Board of Education February 3, 1992

**GCDA Teacher Aides and Paraprofessionals**

**GCDA**

Teacher aides and paraprofessional shall follow all applicable board policies, rules and regulations and shall be under the general supervision of the building principal.

Approved: USD 303 Board of Education March 14, 1994

**GCE Assignment and Transfer**

**GCE**

The board reserves the right to assign, reassign or transfer all noncertified employees.

Approved: USD 303 Board of Education February 3, 1992



**GCH Supervision****GCH**

The superintendent has the responsibility to supervise all noncertified employees not directly under the supervision of a building principal. A building principal has the responsibility to supervise all noncertified employees who are assigned to the building except for food service employees. Food service employees shall be supervised by the food service director.

Approved: USD 303 Board of Education February 3, 1992

**GCI Classified Employee Evaluation****GCI**

All classified employees shall be evaluated twice during their first year of employment and at least once a year during subsequent years. Evaluation documents will be on file with the clerk of the board.

Approved: USD 303 Board of Education March 10, 2003

**CGI-R Classified Employee Evaluation****CGI-R**

Classified employees shall be evaluated by the supervisor to whom they are assigned. Classified employees shall be evaluated on their personal qualities, their commitment to duty and work skills related to their job description. A copy of the completed evaluation will be given to the employee after it is signed by the employee and the evaluator and will be placed in the employee's personnel file.

Approved: USD 303 Board of Education March 10, 2003

**GCK Suspension****GCK**

The superintendent shall have the authority to suspend classified employees with or without pay. If a suspension without pay is imposed on a classified employee, the employee is entitled to pay until the employee has been advised of the basis for suspension and has been given an opportunity to respond.

Approved: USD 303 Board of Education September 8, 2008

**GCO Resignation**

**GCO**

Noncertified employees may resign from their jobs in accordance with the employment agreement and board policies.

Approved: USD 303 Board of Education February 3, 1992

**GCR Work Schedules****GCR**

The board will make reasonable effort to establish and maintain adequate working conditions.

**Time Schedules**

The superintendent shall develop time schedules for all noncertified employees, subject to approval by the board.

**Work Load**

Work load assignments for noncertified personnel, i.e., clerical, aides, nurses, maintenance, custodial, food service and transportation, shall be made by the superintendent

Approved: USD 303 Board of Education November 13, 2000

**GCR-R Work Schedules****GCR-R****Time Schedules**

Time schedules for noncertified employees will be assigned at the beginning of the employment term by the superintendent.

**Work Load**

The normal work load for noncertified personnel shall consist of 40 hours per week for full time employment unless specified by individual contract.

Approved: USD 303 Board of Education November 13, 2000

## **GCRF Non-School Employment**

**GCRF**

Noncertified employees shall not be excused during their regularly scheduled duty day to perform outside employment unless, upon receipt of the employee's leave request, the supervisor determines:

- The requesting employee has adequate leave time available.
- The requesting employee's absence will not interfere with regular work operations; and
- The leave is approved prior to the requested leave being taken.

The supervisor may approve leave without pay for extraordinary circumstances.

Except as otherwise specified above, classified employees shall not engage in outside employment which interferes with their job duties or responsibilities.

Approved: USD 303 Board of Education February 13, 2023

## **GCRG Leaves and Absences**

**GCRG**

Noncertified employees may be granted the following leave.

### Emergency and Legal

Noncertified employees will be granted emergency and legal leave according to CGPGA.

### Discretionary Leave

Noncertified employees will be granted discretionary leave according to CGPG.

### Medical Leave

Noncertified employees will be granted medical leave according to CGPGB.

### Military Leave (also CGPGD and GBRID)

The board may grant leave of absences for military duty with or without pay according to policy CGPGD. (see CGPGD)

### Disability leave

The board may grant leave of absence for disability with or without pay according to policy CGPGC.

Approved: USD 303 Board of Education July 11, 2022

## **GCRGA Reimbursement for Unused Sick Leave**

**GCRGA**

Classified employees retiring from USD 303 employment and meeting the following criteria:

Employee by USD 303 a minimum of 10 years; and

Sixty years of age or older; and

Are eligible for KPERS retirement benefits

will receive \$50 per day compensation allowance for every day of allowable unused sick leave in accordance with the following formula:

- A. Determine the total accumulated number of unused sick leave days.
- B. Divide the total number of days in (A) by 2.
- C. Multiply the number of whole years of service to USD 303 by 1.5
- D. Determine the lesser value of (B) and (C).
- E. Multiply the value in (D) by the daily rate. This value obtained in (E) is the total compensation to be received.

The classified employee must notify the district of the intent to retire by May 31 of the contract year prior to the year in which they plan to retire. The Board reserves the right to waive the May 31 notification date.

Approved: USD 303 Board of Education November 8, 1999



**GCRH Vacations****GCRH**

Noncertified employees if employed for a work term of 12 months shall be entitled to  $\frac{5}{6}$  of a working day each month annual vacation with full pay. After five years of employment the employee shall be entitled to  $1\frac{1}{4}$  working days each month annual vacation with full pay. After twenty years of employment the employee shall be entitled to  $1\frac{2}{3}$  working days each month annual vacation with full pay. Vacation shall be credited to the employee following each full month of employment. Noncertified employees shall be entitled to accumulate the unused portion of each month's vacation to a maximum of 30 working days.

Approved: USD 303 Board of Education October 11, 1993

**GCRI Paid Holidays****GCRI**

Noncertified employees if employed for a work term of 12 months shall be entitled to the following days off with pay: New Year's Day, President's Day or other designated day per approved school calendar), Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the Friday after Thanksgiving Day and Christmas Day.

If the holiday falls on a day when school is in session and the employee is required to work, the employee will be paid for the holiday in addition to time worked.

Approved: USD 303 Board of Education July 11, 2022

## **GCRIA Leave and Pay Calculation**

**GCRIA**

### Leave Calculation

The minimum charge for the use of leave shall be in one half hour increments. Leave and vacation shall be prorated for any classified employee who begins employment with the district during the fiscal year. (See GCRG, GCRH and GCRI)

### Overtime Pay Calculation

Overtime wages shall be paid only for hours actually worked in excess of 40 hours in a work week.

Approved: USD 303 Board of Education July 11, 2022