

WHAT EVERY EMPLOYEE MUST BE TOLD!

Training Module: For New and Existing Employees



This training module is licensed
for the time period of

August 1, 2014 through July 31, 2015

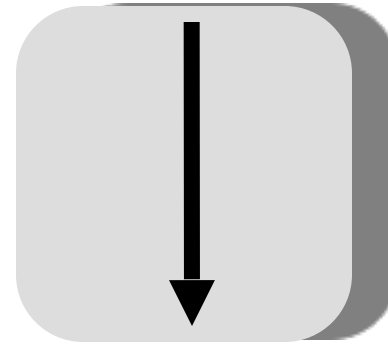
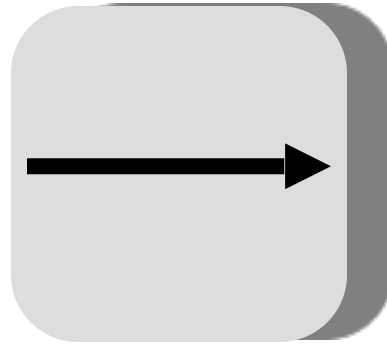
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For more information on additional resources and training, contact:

Washington School Personnel Association

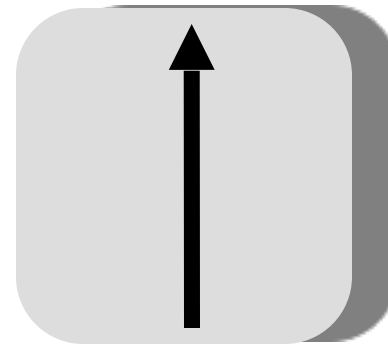
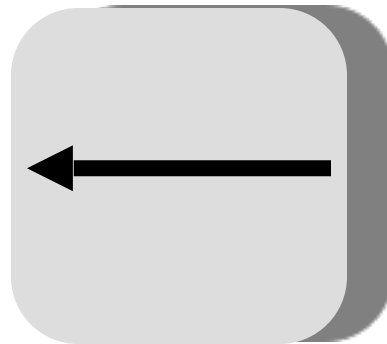
Email: admin@wspa.net

**To proceed through the training module,
press either key identified below**



**and the next operation will automatically be performed as you
advance from one slide to the next.**

**To go back to a previous slide,
press either key identified below.**

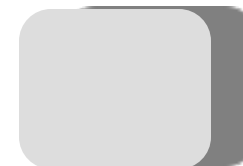


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Ready to go? Let's get started.
Press the forward key on your
keyboard.





Instructions

Welcome to the ***What Every Employee Must Be Told*** training module. In order to progress through the training, you will need to be aware of the following:

- 1) Specific training **assignments will be given**. These assignments will be identified by an apple icon 🍏 To make your learning meaningful, follow through on these assignments to enhance your knowledge of the topic.
- 2) Upon conclusion of your training, you will receive a **certificate of completion** verifying your participation and understanding of the module. A copy of this certificate is the last slide in this module. Complete by signing and having your supervisor sign. Copy the certificate and retain one for your files. Forward the other signed copy to your Human Resources Office.
- 3) Before beginning this online training, you will need to **reflect on** the next slide, titled **District Policies**.

District Policies



Reflect for a moment.
Does your district have a policy/
regulation regarding the topics
listed below?

		Yes	No	Not Sure	Policy #
• Records and Confidentiality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
• Child Abuse Reporting		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Investigations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Supervision		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
• Discrimination		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Sexual Harassment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Boundaries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Bullying		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Alcohol and Drugs		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Weapons		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Religion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Search and Seizure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Bloodborne Pathogens		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Technology Ethics		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Employee Discipline		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

TRAINING VERSION
YOUR DISTRICT WILL PROVIDE YOUR DISTRICT'S POLICIES

Do you know what each policy states?

29 School-Bus Firm Employees in Chicago Indicted on Drug Charges

ARTICLE TOOLS

 [Printer-Friendly](#)

Although none of those arrested

Former School Custodian: A former school

Each and every student within our schools should feel safe and comfortable walking down the halls of his/her school. Sadly, this is not always the case. This training module is designed by the Washington School Personnel Association to assist all employers and employees in being accountable for our greatest resource: our students.

TO
END
MAIL

allegations of misconduct with student

By Darrin Youker
Reading Eagle

The Wyomissing School District and borough police are investigating allegations that a teacher at the junior/senior high school had inappropriate conduct with a student, district officials said Tuesday.

TO BE INDICTED 200 TIMES.; Many Charges Against the Peoria School Superintendent.

PEORIA, Ill., Oct. 6. -- Thirteen indictments have thus far been returned against Newton C. Dougherty, City Superintendent of Schools and President of the Peoria National Bank. Ten of them are for embezzlement and three for forgery. Forty more are being drawn by the State Attorney's office.

[END OF FIRST PARAGRAPH]

RECOMMEN
 E-MAIL

Dear Employee:

As employees within educational institutions across the state, our job is to prepare Washington students to live, learn, and work as productive citizens in the 21st century. As the providers of education to our diverse students, we have a responsibility to model and uphold the highest levels of professionalism. Our schools throughout this great state are places of learning for students and workplaces for staff. Institutions that allow employee misconduct in the teaching, learning, and working environments of employees and students risk not only unlawful practices, but a betrayal of trust. Our goal is to keep both students and employees safe and avoid behaviors that put them at risk.



School districts must educate employees in their responsibilities when interfacing with students, parents, community, and staff. This training module is an essential resource for understanding those responsibilities. It provides an overview of what is expected to ensure an environment where all students can learn, thrive, and prosper, and where employees can excel.

Training Objectives for

What Every Employee Must Be Told

- 1) To **provide necessary information required** by statute for public school employees in the state of Washington.
- 2) To **reinforce the personal and professional responsibilities** all employers and employees have in providing a nurturing environment for all students to learn.
- 3) To **assure** that all employees are provided **reasonable knowledge and adequate notice** of acceptable and unacceptable behaviors.



Training Module Guide

This training is designed as a self-study module. As you progress through each slide, you will see information presented in the following format.



Employee Assistance

School Districts generally contract with counseling specialists for an employee assistance program. Services typically include:

- Marital and Family Counseling
- Emotional and Stress Counseling
- Alcohol and Drug Counseling
- Other Life Adjustment Problems

Services are usually free to the employee for initial consultation and counseling services.

Protect your health and avoid placing your job at risk. Employees encounter many personal challenges. Some have the capacity to resolve their own problems, others need help. Employee assistance is a very private service that employees may access directly without any involvement or knowledge by supervisors or the school district.

Problems that challenge your physical or mental health or which may impact your attendance, performance or behavior will almost always lead to discipline or performance probation if left unattended. Employers will work with employees to provide accommodations, and explain such entitlements as the Family Medical Leave Act, that can help the employee avoid such consequences.



Check with your Human Resource Office and ask whether your district has an employee assistance program.

Clicking here will take you to a website for more information on [employee assistance](#) types of services. Close the online window to return to the training module.

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Topic addressed.

Left side of slide presents summary information.

Right side of slide provides "talking points" for topics just presented.

Apple icon represents assignments to be completed.

Refers to helpful hot links.

Provides ability to always return to the Index page.

Slide number.

References



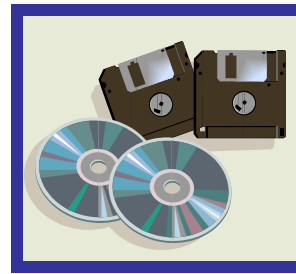
- **RCWs** – refers to the **R**evised **C**ode of **W**ashington, which are statutes enacted by the state legislature
- **WAC** – refers to the **W**ashington **A**ministrative **C**odes, which, in the case of school districts, consist of rules adopted by the State Board of Education and the Superintendent of Public Instruction
- **Title VII** – refers to the Civil Rights Act of 1964 that prohibits discrimination in the workplace
- **FERPA** – refers to the federal **F**amily **E**ducation **R**ights and **P**rivacy **A**ct, which protects the privacy of student education records and provides access to parents
- **OSPI** – refers to the **O**ffice of the **S**uperintendent of **P**ublic **I**nstruction

While progressing through this training module, you will notice legal references. They provide the legal basis for the information presented.

This employee training module has four parts: 1) statistical information related to the educational environment, 2) employee expectations and exemplary behavior, 3) an overview of unprofessional conduct, and 4) a discussion of employee rights and responsibilities together with resources available.

A certificate of completion is awarded for satisfactorily completing the training.

What the Data Says



- **Approximately 10% of students in grades 8 through 11 report unwanted sexual misconduct by a school employee during their years in school.**
- **Teachers are identified as the most common offenders followed by coaches, substitute teachers, bus drivers, teacher aides, other school employees.**

USDOE, Educator Sexual Misconduct: *A Synthesis of Existing Literature*, Washington, D.C., 2004

- **The most frequent types of employee misconduct observed are abusive or intimidating behavior, misreporting of hours worked, lying, and withholding needed information.**
- **Nearly half of non-management employees still do not report the misconduct they observe.**

Ethics Resource Center, *National Business Ethics Survey*, Washington, D.C., 2003

- **About 80% of HR professionals and employees agree that their organization provides employees with enough information on its mission while employees are twice as likely as HR professionals to disagree that their organization provides employees enough information on workplace policies.**
- **HR professionals are more likely than employees to agree that their organization provides employees enough information on the organization's ethics and values.**

Society for Human Resource Management: *Employee Trust and Organizational Loyalty*, Alexandria, VA, 2004

Most employees within the public school setting in the state of Washington demonstrate the highest levels of commitment and professionalism. At the same time, a review of the data and newspaper articles reveals the grim reality of employee misconduct. When it occurs, the impact is monumental. Not only are students, families, and the organization affected, the profession of education is called into question.

In light of the data presented, it is our responsibility to protect children and reinforce an employee code of behavior that enhances the mission and goals of our educational system.

The Outstanding or Competent Employee



Let's **pause here** and take a minute to reflect on the following question.

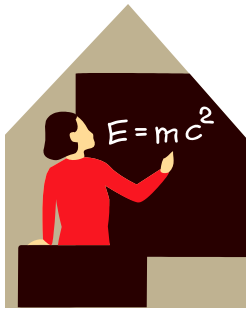


What makes an outstanding and competent employee?

What did you come up with? See if any of your responses are addressed in this training module.

In addition to having the knowledge, skills, and abilities to be successful in the workplace, an **OUTSTANDING** employee:

- has a clear understanding of their **role** within the organization,
- embraces the **policies, culture, and values** of the institution,
- demonstrates a **commitment** to addressing unique needs of students and employees, and
- possesses **personal characteristics** that earn respect as a professional.



Teacher Responsibilities

WAC 180-44

- Must follow the prescribed course of study and enforce the rules and regulations of the school district and the state
- Must evaluate each student's educational growth and development and make periodic reports to parents and administrators
- Must make daily preparation for their duties, to include attendance at teachers' meetings and such other professional work as may be required by the principal, superintendent, or board of directors
- Must maintain good order and discipline in the classroom

Teaching is more than instruction. Teachers must be prepared and must participate in their professional community. Teachers must also accept responsibility as advocates for students. Teachers, however, are not responsible for personally resolving issues that impact on a student's readiness to learn or that place a student at risk. Teachers do have a responsibility to be alert to student issues and needs and to communicate those needs to parents, administrators, or counselors so that the welfare of the student can be properly addressed.



Acts of Unprofessional Conduct

WAC 181-87

Examples

- Misrepresentation or falsification in the course of professional practice
- Alcohol or controlled substance abuse
- Disregard or abandonment of generally recognized professional standards
- Abandonment of contract for professional services
- Unauthorized professional practice
- Sexual misconduct with students
- Furnishing alcohol or controlled substance to students
- Improper remunerative conduct
- Failure to assure the transfer of student record information
- Failure to file a complaint regarding misconduct

As important as it is to know the qualities of a professionally competent employee, it is equally important to understand what behaviors constitute unprofessional conduct. What follows is a discussion of unprofessional conduct and the specific responsibilities of public school employees.

For certificated employees, school districts **must report** acts of unprofessional conduct to the Office of Professional Practices (OPP) when there is **reason to believe** that a certificated employee has committed an act of unprofessional conduct. The report, which becomes a matter of public record, is **subject to investigation** by OPP and may lead to discipline, suspension, or revocation of the teaching certificate. Such investigation and discipline is separate from any action taken by the district with regards to continued employment.

For classified employees, acts of unprofessional conduct are not subject to state reporting, with some limited exceptions such as child abuse or use of drugs or alcohol by school bus drivers. Non-reportable unprofessional conduct is still subject to investigation and discipline consistent with district policies and collective bargaining agreements.

Crimes that Require Dismissal

RCW 28A.400

Felony crimes against children are those defined in criminal statutes for:

- Indecent exposure
- Physical neglect
- Homicide
- Assault
- Sex offense
- Kidnapping
- Child selling or buying children
- Promoting prostitution
- Robbery
- Similar laws under other jurisdictions

Washington statutes require termination of school district employees upon pleading guilty or upon being convicted of a felony crime against children or attempts, conspiracies, or solicitations to commit a felony crime against a child.

School districts are entitled to recover compensation provided to an employee who is on paid leave until the time of a guilty plea or conviction.

Student Records and Confidentiality



- Educational records are student records kept or maintained by schools.
- FERPA (the Family Education Rights and Privacy Act) governs the information in records.
- Personally identifiable student information is **confidential** – no sharing of student information without parental permission unless a specific FERPA exception applies.
- Student records are **available to both parents**, even if divorced, unless there is a court order to the contrary.
- Student records are **available to staff** with legitimate need to know.

Employees must protect all student information and should not engage in any discussions concerning a student with any person within or outside of the school district, other than the student's teacher(s), administrators or other designated district officials, or the student's parents.

There are no appropriate circumstances for a non-certificated employee to discuss a student with a parent without the active involvement of the teacher and/or administrator. Protected information includes, but is not limited to, the student's academic performance, special needs, and discipline record.

Clicking here will take you to a website on [confidentiality](#).

Child Abuse Reporting

RCW 26.44.030



- When in doubt, report.
- Notify district office.
- Report is made to law enforcement agency or Child Protective Services (CPS).
- Follow CPS or law enforcement directions regarding parent notification.
- Disclose all requested education records to officials investigating a child abuse report (an exception to the FERPA requirement of confidentiality).

Protecting students is one of our greatest responsibilities in public education. **All school district employees**, classified and certificated, are **required by law to report suspected child abuse**, regardless of the perceived source of abuse. Suspected means you have reasonable cause to believe abuse has occurred. You don't have to be positive. Employees are reporters, not investigators. If the alleged abuser is an employee, reports are to be made to a supervisor or administrator, who will cause a report to be made to law enforcement if reasonable cause exists to believe that abuse has occurred. An **employee who fails to make such a report** violates state statute and is subject to discipline up to and including dismissal.

Employees must **protect student confidentiality** and must not discuss situations with other employees, students, or individuals.

NOTE: Depending on the district policy, employees report directly, or may contact a supervisor or administrator and jointly make the report to CPS or law enforcement.

Child Abuse Reporting

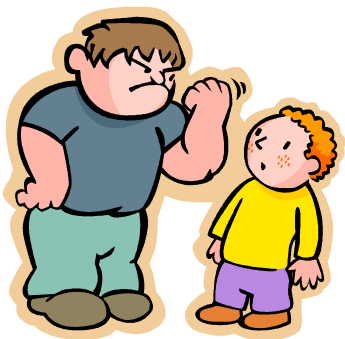
If school employee is suspect – RCW 28A.400.317



- Applies to certificated and classified personnel.
- Personnel must report knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual abuse by another school employee.
- Report must be made to a school administrator, who must cause a report to be made if he/she has reasonable cause to believe the misconduct has occurred.

Employees and administrators are mandatory reporters of child abuse. They must report to CPS or law enforcement as soon as possible, but in no event later than 48 hours. Employees should not attempt to investigate the abuse themselves. School administrators should be aware of the proper procedures for determining reasonable cause to believe that the misconduct has occurred.

The school administrator must notify a parent or guardian of the complaint within forty-eight (48) hours of receiving the report. When notifying the parent or guardian, the school administrator must inform the parent or guardian of their rights under the Washington Public Disclosure Act (RCW 42.56) to request the public records regarding school employee discipline.



Bullying

RCW 28A.300.285



Harassment, intimidation or bullying means any **intentional** electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristics in RCW 9A.36.08, or other distinguishing characteristics when the intentional act:

Physically harms a student or damages the student's property; or

Has the effect of substantially interfering with a student's education; or

Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

Has the effect of substantially disrupting the orderly operation of the school

Bullying is a growing phenomenon that is destructive to students and to the learning environment.

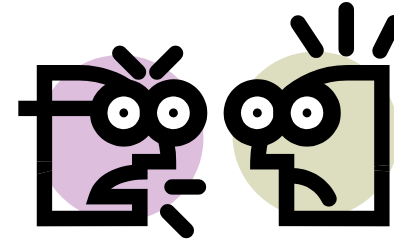
The aggressor may be a student, staff member, or other school community member.

All school district staff are required to intervene if they see bullying behaviors.

All incidents are to be reported to a school administrator.

Clicking here will take you to a website with more information on [bullying](#).

Adult-to-Adult Bullying



Bullying Examples:

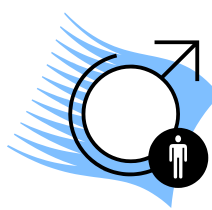
- Repeated use of insults
- Verbal threats, humiliation and verbal abuse
- Swearing and yelling
- Undermining work performance
- Assigning impossible tasks
- Assigning trivial tasks
- Taking credit for another's work
- Constant undervaluing
- Non-productive criticism

Adult-to-adult bullying is repeated hurtful or hostile actions intended to mistreat or control another and decrease a person's self-worth.

Bullying takes an emotional toll on the bullied employee and impacts his/her ability to work effectively. It can increase leave usage and impact productivity. Notify a supervisor when you observe behaviors that could be bullying.

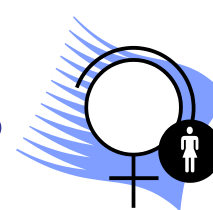
Know your district policy. Some policies on bullying apply to staff-student relations as well as student-student and adult-adult. A civility policy may also address adult bullying.

Click here for more information: <http://www.lni.wa.gov/Safety/Research/Files/Bullying.pdf>



Professional Boundaries

(Sexual Grooming)



Sexual grooming is behavior that desensitizes the victim.

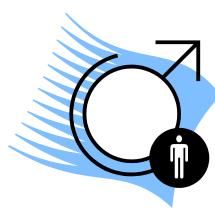
It refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for child sexual abuse.

It is estimated that there are 60 million survivors of childhood sexual abuse in America today.

It is estimated that children with disabilities are 4 to 10 times more vulnerable to sexual abuse than their non-disabled peers.

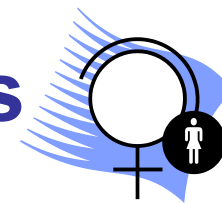
Long-term effects of child abuse include fear, anxiety, depression, anger, hostility, inappropriate sexual behavior, poor self-esteem, tendency toward substance abuse, and difficulty with relationships.

Guilt is universally experienced by the victim.



Professional Boundaries

(Sexual Grooming)

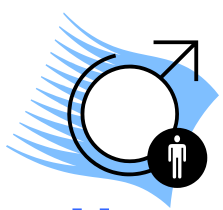


Sexual Grooming Behaviors

- Granting special privileges/favoring/undue interest
- Meeting privately in unsupervised or off-campus settings
- Providing rides home
- Offering additional, unneeded assistance
- Making personal, flattering comments
- Writing letters or e-mails
- Giving gifts or money
- Moving closer and closer physically (i.e., sitting next to student, touching student, putting hand on shoulder, putting affectionate arm around the back)

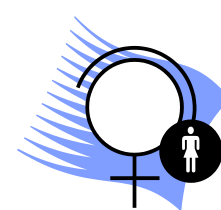
Sexual misconduct with students most often doesn't "just happen." Over the course of time, the victim is "groomed." Offenders spend a great deal of time and energy gradually crossing boundaries and setting the individual up for victimization. This grooming behavior may start very innocently. Over time, "personal space" boundaries are violated. Offenders often justify this behavior by rationalizing that the victim was lonely and needed support, affection, or time with someone who cared. These grooming activities are "red flags."

Pay attention to these "red flags." Recognize that **perception of others is crucial**. If you notice these grooming behaviors in others, do something about it and inform your supervisor or building administrator.



Professional Boundaries

(Boundary Invasions)



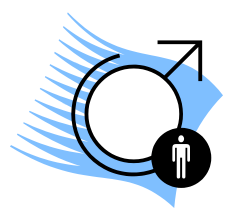
More Unacceptable Behaviors

- Allowing inappropriate behavior
- Engaging in peer-like behavior
- Touching
- Personal secrets
- Outings away from other adults
- Home visits
- Inviting students to your home
- Inviting student to employee's home
- Being behind closed doors
- Discussing personal problems or sharing personal information
- Showing pornography
- Invading student's space or privacy
- Socializing outside of school or school events
- Using personalized terms of endearment or affection

It may not be possible to determine whether boundary invasion behaviors are in fact sexual grooming until it is too late.

Boundary invasion behaviors engaged in by school employees which are inappropriate or have questionable educational benefit are prohibited.

All school district employees share a responsibility to report behaviors that may be inappropriate to a supervisor.



Professional Boundaries

(Sexual Grooming)



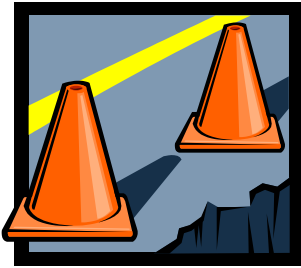
Electronic Grooming:

- **Instant Messaging**
- **Twitter**
- **MySpace**
- **Facebook**

Technology has enabled adults with an inappropriate sexual interest in children to establish contact with them, to develop relationships, and to groom potential victims for sexual abuse. Of particular concern are social networking technologies.

Social networking is being used extensively by children, and some communications are of an improper and illegal nature, in which personal information is gathered for use in establishing relationships with children for purposes of sexual exploitation.

School employees do not need access to a student's personal electronic space for school business. Additionally, school employees must recognize the risk they create for themselves when posting personal information to their own electronic spaces. Such information, once disclosed, could impair the employees' ability to work effectively and could result in discipline or loss of employment.



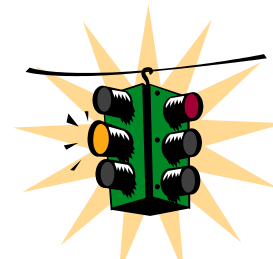
Professional Boundaries

Outside of school contact is outside your scope of duty!

- Don't put yourself at risk...even with parent permission.
- Don't transport students unless it's in the job description.
- Don't invite students to your home or give personal gifts.
- Don't take students on private excursions as rewards.
- Don't socialize where students are consuming alcohol, drugs or tobacco.
- Don't send students on personal errands.
- Don't use cell phones and personal communication devices to create an inappropriate relationship that could be viewed as grooming and boundary violation.

School employees, both certificated and classified, are expected and required to **maintain proper boundaries** between themselves and students. School employees should not become personally involved (whether as a buddy or in romantic trysts) with students.

Employees who interact with students outside of the school district place themselves in an extremely vulnerable position regarding complaints of inappropriate behavior. They may also compromise their roles as objective, effective professionals when they give some students inappropriate personal attention. Such compromises can lead to performance and/or discipline.



Boundaries and Coaching

Sexual abuse is a physical act that may involve touching and non-touching behavior.

It may be seductive or coercive.

In any form, it is an abuse of power, creates dependency, and builds on a false sense of loyalty.

The risk of abuse is greater when there are loose controls, passive attitudes, and lack of bystander action.

Clicking here will take you to a website with more information on coaching [boundaries](#).

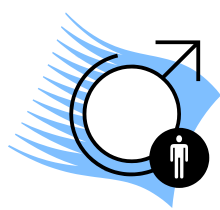
Coaches are placed in situations that put them at greater risk of committing an act of misconduct with a student or creating the perception and allegation of an act of misconduct. Reasons for this include both settings and interactions:

Settings: trips, off-hours, one-on-one coaching, athletic medicine, locker rooms, camaraderie activities, closed rooms and closed facilities.

Interactions: buddies, hero worship, engagement in personal life, more casual conversation, power position, sense of special relationship.

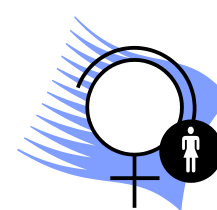
Be vigilant in such situations, and exercise great care not to behave in a manner that leads to misconduct or the perception of misconduct. Avoid being alone with students; be especially guarded in physical contact; and keep professional boundaries in conversations and relationships.

Be the coach, not the buddy!



Sexual Misconduct

(By School Employee)



Misconceptions

- If it's consensual, it's okay.
- No one will find out.
- The laws don't apply to me.
- Age makes a difference.

Washington State law makes sexual misconduct between school district employees and students unlawful!

Clicking [here](#) will take you to a website for more information on [sexual harassment](#)..

Students cannot consent to sexual relations with a school district employee, thereby making such behavior acceptable.

All cases involving sexual relationships between students and employees are unprofessional and unacceptable and will generally result in discharge. For teachers, it will also mean loss of the teaching credential and posting to national databases.

Employees who commit sexual misconduct, which includes verbal and physical abuse and sexual harassment, are subject to being reported for unprofessional conduct. If it results in resignation or discharge, the information must be provided by law to future school district employers.

Pornography Possession and Access

RCW 28A.410.090 provides for the **mandatory suspension or revocation of any teaching certificate upon finding that:**

- an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct
- OR
- has intentionally possessed on school grounds any material depicting sexually explicit conduct

In keeping with equal treatment concepts, districts generally impose comparable penalties for teaching *and* non-teaching staff.

Under the statute, a first occurrence must result in either suspension or revocation of a certificate. A second occurrence must result in revocation (i.e., discharge).

Suspension may, and revocation will, result in discharge of the teacher for failure to fulfill the certification requirement of the employment contract.

Clicking here will take you to a website on the definition of [sexually explicit conduct](#).

Firearms and Dangerous Weapons

RCW 9.41.280

It is unlawful to carry onto, or to possess on, public or private school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- any firearm
- any other dangerous weapon
- any device commonly known as “nun cha ka sticks” or “throwing stars”
- any air gun, including any air pistol or air rifle

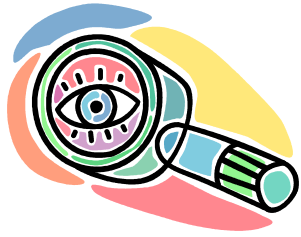
See [RCW 9.41.280\(3\)\(e\)](#) for licensed permit exception when dropping off or picking up a student.

Weapons are a zero-tolerance issue for school districts. Read and understand your district policy on firearms and dangerous weapons. It is common for district policies to extend the ban to:

- any device that looks like or is alleged to be a firearm,
- any paintball gun, and
- any laser or laser system.

Employees must follow the district policy not only in their personal behavior, but also in their professional duties. Seek the guidance of an administrator when considering the use of real or simulated weapons for such activities as staging a student play or planning student projects.

Investigations



Investigations Are the Responsibility of District Administrators, Law Enforcement, OSPI

Discussion points will address:

- Relationship of district investigation to law enforcement
- Relationship of district investigation to OSPI
- Maintaining the integrity of the investigation
- Documenting the investigation

Investigation of complaints is a very deliberate process. Employees must be cautious not to undertake their own investigation or take steps that could undermine the ability of the district or law enforcement to conduct an effective investigation (e.g., don't release or share information outside of the reporting structure).

If, as an employee, you are interviewed as part of an investigation, you have an obligation to be responsive and truthful in answering legitimate questions. Refusal to answer such questions, or withholding of information, is insubordination and may be subject to discipline. You will be told to keep the matter confidential to protect the integrity of the investigation.

An employee who has been accused of improper behavior is entitled to representation during an investigation interview that could reasonably lead to discipline of the employee. Such representation does not relieve the employee of the obligation to be responsive and truthful.

Investigation interviews will typically result in the employee being provided a documented copy of the interview notes and being asked to sign a verification that it is an accurate portrayal of the interview.

Whistleblower Protection

(RCW 42.41)

It is an improper action for an employee to:

- violate any law or rule
- abuse authority
- waste public funds
- endanger public health or safety

This does not apply to personnel actions that fall under labor relations statutes.

The identity of a reporting employee is kept confidential to the extent possible under law.

School district employees are encouraged to disclose improper actions by school officials and employees.

Employees who make “good faith” reports are protected from retaliation under 42.41 RCW.

Retaliation includes adverse personnel actions and hostile actions.

Employees are encouraged to make such reports to an appropriate supervisor or to the district’s designated official.



Privacy and Search

(Employees)

Privacy Expectations on:

- School property
- Private automobiles on school property
- Desks and cabinets
- Briefcases and purses

Districts have a **right to search on school property**. Automobiles in the school parking lot, and desks and storage areas at school, are not immune from search, and due process will be followed. When there is a reasonable basis to believe that dangerous or inappropriate items may be in personal belongings such as briefcases and purses, you will be asked to open them for inspection. Though you have a right to decline, the district may contact law enforcement officials for assistance. Drugs, alcohol, weapons, and contraband are prohibited in the school setting.

Search and Seizure

(Students)

Questions to Consider

- Is there reasonable cause to search at the inception of the search?
- Is the scope of the search based on the object of the search?
- Is the invasiveness of the search based on the maturity of the students?

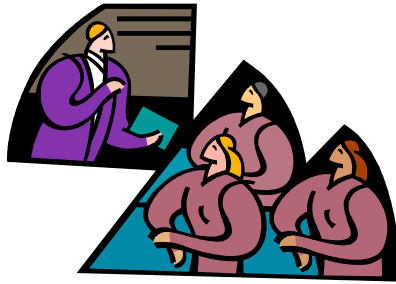
NEVER, NEVER, NEVER strip search!



The definitive guidance for what school district employees may and may not do in cases of search and seizure derives from a Supreme Court case titled *New Jersey vs. T.L.O.*

While the court confirmed students' 4th Amendment rights against unlawful search and seizure, it said school officials can search if they have "reasonable suspicion." This is different and more lenient than the "probable cause" police officers must have before searching. If school officials, in light of all the circumstances, at the inception of the search, have reasonable suspicion that a search will produce evidence that a school rule has been violated, they may search.

School administrators should conduct student searches. **Strip searches are prohibited under Washington law and should never be undertaken by a school district employee.** If it is believed the student has hidden illegal substances or objects inside of clothing, parents and law enforcement should be contacted.



Supervision of Students

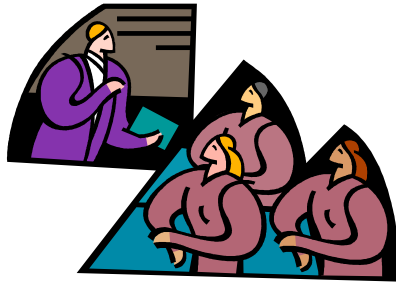
Supervision consists of direct supervision, student accountability, and being observant.

Direct supervision is straightforward; when inappropriate or unsafe behavior occurs, it must be addressed consistent with school discipline policies and classroom management practices.

Accountability is the process of accounting for each student during each transition. It requires accurate attendance and accurate accounting when transitioning between classes and to and from recess and lunch. Failure to account for students during transitions is one of the more common areas of employee misconduct.

Observant behavior goes beyond direct supervision and accountability. It requires employees to remain vigilant about what they see and hear and to act on those things that suggest inappropriate or risky behavior. That “action” may include direct intervention or engaging another professional or administrator. What it does not include is ignoring the problem and leaving it to someone else.

- Schools have a duty of care to protect students from unreasonable risk of harm.
- How much supervision is enough?
- Enough supervision must occur to keep negative things from happening.



Supervision of Students

Considerations for level of supervision

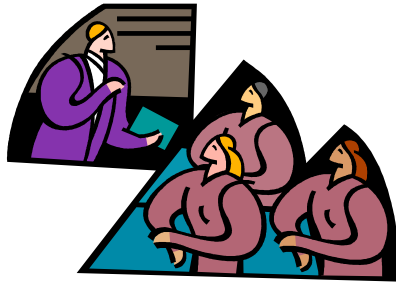
- Activity
- Locale
- Equipment
- Students (behavioral history, age, competence)

The greater the likelihood and gravity of injury, the greater the amount of supervision necessary.

Does the activity involve ladders, knives, wilderness, tide pools, or open flame? Are there students involved who are known to not follow directions or be unruly? These are examples of factors that require greater supervision. Think of all the “what-ifs” and strive to prevent mishaps before they occur.

The most effective way to manage severe behavior and/or risky behavior is to **act promptly** and correct/defuse the behavior before it escalates. Failure to do so is a performance deficiency.

Always **remain attentive**. Being inappropriately distracted, being asleep, being out of supervisory range without good cause, or other inattentive behaviors are a significant performance and behavior failure.



Supervision of Students

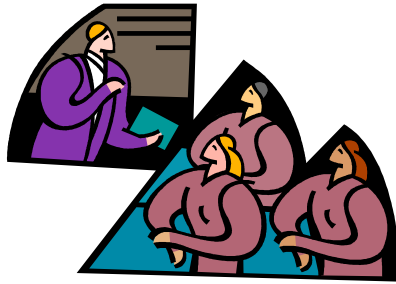
Do you need to be out of the room?

- Courts don't expect 24-hour supervision
- Parents do
- Test: Would the reason you're out of the room be justifiable to parents of an injured student? To a newspaper reporter?

Generally rely on breaks and transition periods for tasks out of the room or student area. When possible, call for an adult to relieve you. A few minutes out of a quiet classroom may be OK if the students are older, engaged, and capable of self-supervision and no adult relief is available.

CAUTION!

Never leave a disruptive or dangerous situation without obtaining relief. Do not ask students to supervise other students.



Supervision of Students

Here are some crucial pointers to review in addressing suicide prevention and response:

SUICIDE STATISTICS

- Suicide is the 2nd leading cause of death in Washington State for youth (ages 15-19).
- An average of two young people commit suicide each week in Washington.
- Over 25% of 8th to 12th graders are so depressed that they stop usual activities.
- Over 20% of Washington State 6th to 10th graders indicated that they sometimes think “life is not worth it.”
- Girls are twice as likely as boys to develop depression.

Washington State Department of Health, 2008

Clicking here will take you to a website for more information on [teen suicide](#).

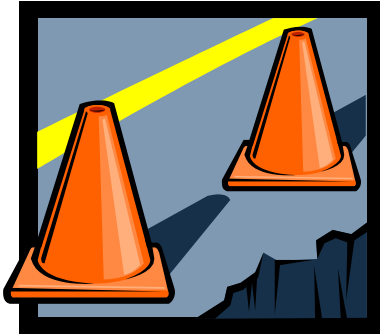
- Take any suicide ideation or attempt seriously.
- Immediately report to principal or designee.
- Escort student to office or arrange for another adult to do this.
- Do not leave student unattended at any time.

Never fail to act on information or observations that may suggest that a student is despondent, emotionally distressed, or suicidal. Immediately contact school administrators and school counselors and/or psychologists to help assess the student. They will contact mental health officials, law enforcement, and/or parents as appropriate.

Never leave a distressed student alone. Stay with the student until administrator or professional help is available.

Safety

(On Campus)



Schools have a duty to protect students from dangers that are known or should have been known. Dangers come from:

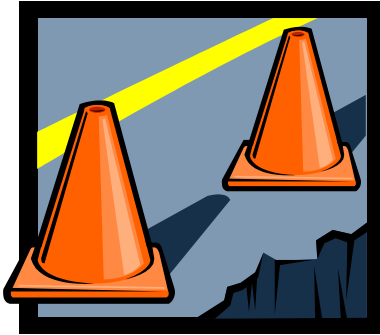
- Activity
- Environment
- Other students
- Other adults (volunteers, contractors, chaperones, partnerships)

Do not allow students to leave school without parent permission.

Even before education, a school district's **primary responsibility is the safety** of students. Every school district employee is required to be vigilant regarding student safety, take actions to safeguard students, and report student safety concerns to appropriate supervisors and administrators.

Safety

(Off Campus)



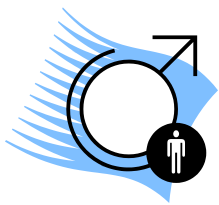
Preplanning is necessary

- Purpose and relationship to curriculum
- Specific activity
 - Insured?
 - Board approved?
- Specific locale
 - Known dangers?
 - Nearest medical facility?
- Mode of transportation
- Chaperones
 - Adequate number?
 - Clear expectations?
- Special student needs
 - Accommodations
 - Medications
 - Alternate activity for students not participating in the field trip

Unfamiliar environments, more outside influences, and less structured activities present unique issues of safety and supervision. Students participate in field trips only with the **expressed approval** of parents/guardians, and field trips are conducted only with the expressed approval of an administrator. Careful preplanning is a necessity.

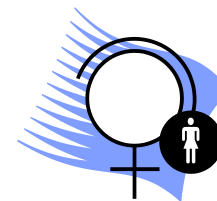
Employees should never transport students in their personal automobiles except in specifically approved situations. Such situations are limited by the school district. **Be sure you understand your school district policy regarding transportation of students in personal vehicles.**

Chaperones must know what is expected of them and the scope of their responsibilities. If they will be alone with students, they must have criminal record clearance.



Discrimination

WAC 392-190-0591



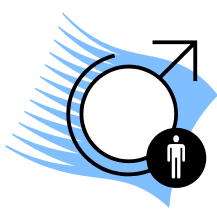
Overview

- No person is to be discriminated against based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.
- Rising incidents in racial harassment
- Rising incidents in sexual orientation harassment
- To ignore is to endorse the behavior

Discrimination, prohibited by the Civil Rights Act and Washington Law Against Discrimination, is contrary to everything that public education stands for. It is not acceptable in overt forms (e.g., denying jobs to employees or denying opportunities to students) or more discreet forms. For example, it is discriminatory to provide less assistance or more discipline to students based on race or national origin. It is discriminatory to set standards that have a disparate impact on one sex or one race, and the goal cannot be achieved by any lesser means.



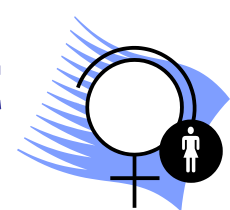
At this time, obtain a copy of your district's discrimination complaint form.



Malicious Harassment

(Hate Crimes)

RCW 9A.36.078



Overview

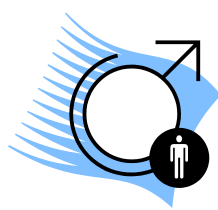
- Criminal action based on bigotry and bias
- Attack on person or property of group historically persecuted (like homosexuals)
- Prima facie examples
 - Cross burning
 - Swastika graffiti
- Different from sexual harassment because it requires **intent** by the perpetrator

Malicious harassment occurs when a person, because of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap:

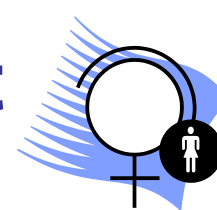
- 1) causes **physical injury** to the victim or another person,
- 2) causes **physical damage** to or destruction of the property of the victim or another person, or
- 3) **threatens** a specific person or group of persons and places that person, or member of the specific group, in reasonable fear of harm to person or property.

Malicious harassment is a felony. It subjects the harasser to civil action and discipline.

Clicking here will take you to a website for more information on [malicious harassment](#).



Sexual Harassment



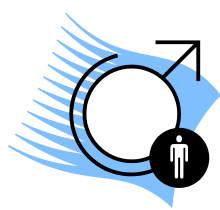
What Is Sexual Harassment?

- A form of sex discrimination
- Consists of **unwanted** sexual overtures so severe or pervasive they disrupt the learning or work environment
- Two types
 - **Quid pro quo** - submission to harassment is a basis for employment or educational decisions
 - **Hostile environment** - the harassment creates an offensive work or learning environment
- Staff and students are protected by Title VII of the Civil Rights Act of 1964

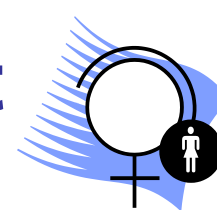
Examples of Sexual Harassment

- Unwanted sexual or romantic letters, notes, phone calls, requests for dates
- Unwanted kissing, sexual touching, leers, or gestures
- Comments about own or others' sexual activity
- Sexual jokes, posters, cartoons, nude photos, graffiti
- Name calling, “gay bashing”
- Sex-based “motivational” goading/teasing
- Skits, assemblies of a sexual nature, dress-up days involving cross-dressing
- Sexual bullying, rape, sexual assault
- “Complimenting” on sexual development
- Rumors of a sexual nature

Clicking here will take you to a website for more information on [sexual harassment](#).



Sexual Harassment



Different laws and district policy

- Protect students from sexual harassment
- Protect you as an employee from sexual harassment
- Require you to re-examine your own actions toward others
- Provide a complaint process for prompt and thorough investigation

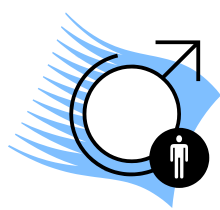
Sexual harassment is prohibited by federal and state law and district policy.

REMEMBER! NO ONE HAS TO PUT UP WITH IT!

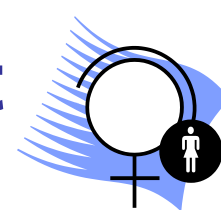
Sexual harassment is one of the most common forms of misconduct and discipline experienced in school districts. It can be minor, insidious, and pervasive, or it can be more severe and more shocking.

It can be from employee to employee, employee to student, student to student, male to female, female to male, male to male, or female to female.

It's wrong. It interferes with learning and is illegal. School districts have a significant moral, functional, and legal responsibility to maintain an environment free of sexual harassment. Employees have a responsibility to model appropriate behavior in their interactions with students and staff.



Sexual Harassment

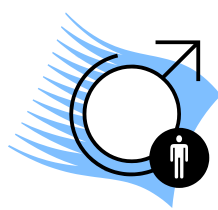


Key concept: **UNWELCOME**

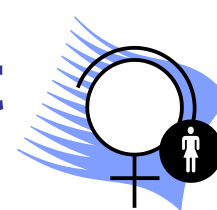
- “Unwelcomeness” is in the perception of the harassed.
- Intent does not matter.
- If conduct is welcome at first, then later becomes unwelcome, the change must be communicated.
- Complainant has no duty to tell harasser before filing a complaint except as above.
- “Reasonable woman” test: would a person of the same sex consider this harassment?

The most common response from those accused of unacceptable behavior is “I didn’t mean it in an offensive way.” Employees must understand that such a response is not a defense and will not preclude disciplinary action. **It is the perception of the recipient that is determinative.** This means that each employee has a responsibility to consider how their words and behavior will be perceived, not just how they are intended.

A good test is to ask yourself, “Would I want my daughter or son to be on the receiving end of such behavior?”



Sexual Harassment



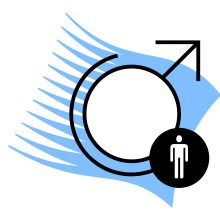
Non-excuses

- “Didn’t mean to offend”
- “Thought he/she liked it”
- “Just teasing”
- “I wasn’t talking to him/her”
- “Boys will be boys”
- “This too shall pass”
- “Everyone else does/says it”
- “Can’t he/she take a joke?”
- “I’ve always acted this way”
- “I didn’t want to interfere”
- “Everyone else does it”

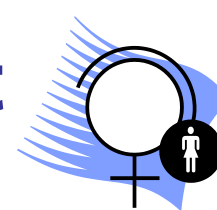
Times change, but not all people do. Many behaviors that were tolerated (perhaps never “OK”) in the past are not socially, legally, or professionally acceptable today. It’s not about excuses, it’s about behavior appropriate for today – and appropriateness is determined by the perception of the recipient of the behavior, not the intention of the perpetrator.

Dismissing or passing off inappropriate behavior as “just teasing” or “boys will be boys” only fosters such behavior for the future. Ignoring the behavior will be construed as condoning it.

Be decisive: make it stop!



Sexual Harassment



Where is sexual harassment likely to occur?

For students:

- Classrooms
- Hallways
- Buses
- Field trips
- Rest rooms
- Locker rooms
- Cafeteria
- Playground

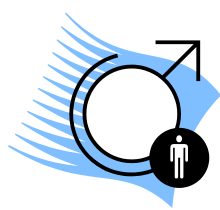
For staff:

- Faculty room
- Closed-door meetings
- School social events
- Conferences and field trips

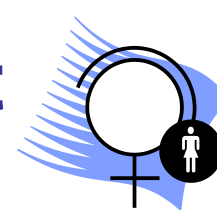
Sexual harassment can occur anywhere at any time. If it occurs during a school-sponsored activity, whether on school property or off, it is unacceptable and subject to discipline.

There are settings that may be more susceptible to acts of sexual harassment. In more relaxed settings or more one-on-one situations, there is an increased opportunity for inappropriate behavior. **Employees must always be aware of the impact and appearance of their behavior**, but should be especially so in such situations.

Similarly, **school employees with supervision responsibilities for students** should be especially attentive in such situations.



Sexual Harassment



Protecting Students

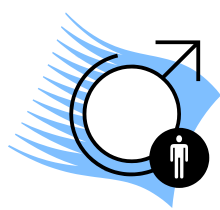
- Promote a respectful culture of safety and acceptance in your school.
- Don't harass: think professionalism.
- Be a role model in your interactions with students and staff members.
- Be proactive: don't wait for a complaint when you see harassment.
- Take every complaint seriously, and don't have students settle it themselves.
- The principal must take action to make it stop once he or she has actual notice.

Preventing sexual harassment is fundamental to supervision.

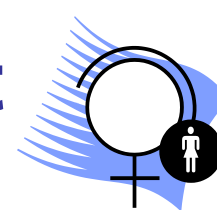
Don't wait for a student to complain. They may, for many reasons, not do so. **Act on what you observe and hear.**

Never underestimate the complexity of sexual harassment. It is about power – not sex. The very nature of that power makes it difficult and sometimes impossible to be resolved without intervention.

Follow up!!!! Make sure it has stopped and remains stopped.



Sexual Harassment



Protecting Employees

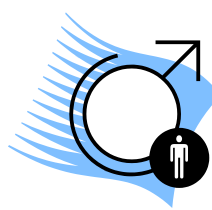
- Promote an environment of respect and professionalism, and if you are the victim or an observer, report.
- Retaliation for reporting or blaming the victim is prohibited.
- Perpetrators and victims should never be told to settle it themselves.
- You can't be told what disciplinary steps may or may not have been taken, but the district's duty is to **make it stop**.
- Document the complaint so that the district can act.



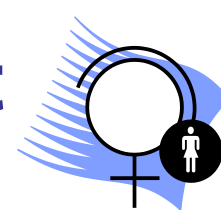
At this point, check with your supervisor to **review your district's policy** and/or regulations regarding sexual harassment. **Obtain a copy of your district's complaint form**. If you have any questions, make sure to talk with your supervisor.

If you feel harassed, notify your supervisor (unless he/she is the offender) and file a written complaint. If you observe someone else being harassed, encourage them to do the same. While it is the victim who must file a written complaint, no employee should leave perceived sexual harassment unaddressed. If the victim won't act on his/her own, you should share your concern with a supervisor who must then act.

A district's purpose and objective is an environment free of sexual harassment. It's an organization-wide value and not restricted to just the individual.



Sexual Harassment



Consequences

- For district, possible
 - federal complaint
 - lawsuit
 - loss of federal funds
 - loss of credibility with the community
- For employees, possible
 - district discipline
 - report to OSPI (teachers)
 - criminal prosecution
 - sued as individual
- For students, possible
 - suspension
 - expulsion
 - report to police

Serious consequences exist when substantiated claims have been made. School districts practice progressive discipline ranging from (1) admonishment to (2) reprimand to (3) suspension without pay to (4) discharge. Progressive discipline, however, can be and is bypassed when the circumstances of a case warrant. Severe forms of sexual harassment will result in discharge for a first offense.

Repeating harassing behavior after being disciplined and/or provided with training and guidance will increase the likelihood of legal action, which may be against the district if it has failed to act, as well as the individual committing the harassing behavior.

Alcohol, Drugs, and Tobacco

(Employees)



WAC 180-44-060

Use by any certificated person of habit-forming drugs, without pharmaceutical prescription by a duly licensed practitioner of medicine and/or dentistry or licensed doctor of medicine, or any unauthorized use of alcoholic beverage on school premises, or at a school-sponsored activity off the school premises, shall constitute sufficient cause of dismissal or non-renewal of contract.

**The SAME STANDARD exists
for
classified employees!**

Alcohol, drugs, and tobacco products are not allowed on school district property. Possession and/or use of such products is subject to discipline and is often considered sufficiently serious to warrant bypassing progressive discipline and discharging the employee.

Prescription drugs brought onto district property must be carefully safeguarded by the employee. Sharing prescription drugs prescribed for another is illegal and subject to discipline.

Under the Federal Safe and Drug Free Schools Act and Board Policies, there is no exception to the **NO** drug policy for medical or legalized recreational marijuana.

Medical situations requiring prescription drugs that impact cognitive skills or alertness should be discussed with the supervisor or a Human Resources Specialist to assess potential performance or behavior impact and work or leave alternatives – particularly in terms of student and colleague safety.



Technology Ethics

There is a tendency for employees to believe that their use of technology in the workplace is a protected privacy under the Electronic Communications Privacy Act (ECPA).

What is not always understood is that there are two critical exceptions to ECPA. One is the “business purpose exception,” which allows employers to monitor communications for legitimate business purposes. The second is the “consent exception” when the employer’s technology specifically notifies the employee that by using the technology they are aware of and agree to monitoring.

Know your district’s policy for the use of technology. Certain practices are generally incorporated into all policies.

- Protect the security of your access. You are accountable for access under your identification.
- Do not post student information on web-based or other public resources.
- Use of public technology for personal use in other than incidental situations is generally prohibited.
- If an inappropriate site is accidentally accessed, back out of the site and notify your technology supporter.
- Do not use district technology for personal “blogging.”
- Remember that “blogs,” “MySpace,” etc. may be accessible to employees and students, and inappropriate content could place your employment in jeopardy.

Use of E-Mail

E-mail presents great opportunities for communicating, but also great opportunities for creating embarrassing and unintended situations.

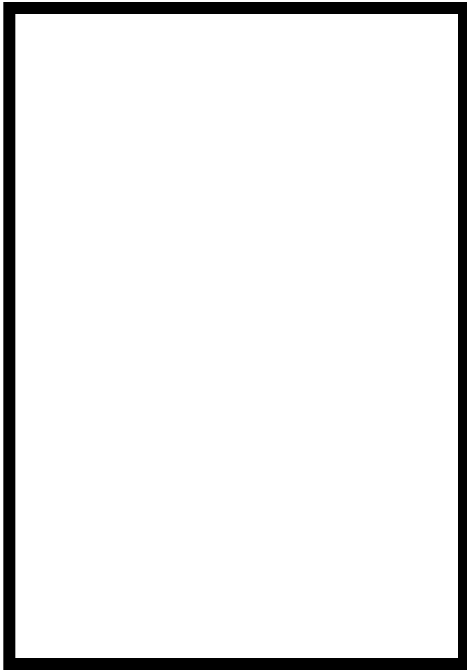
People tend to “say” things in an email in much the same manner that they might say things in a private conversation. Yet nothing is private about an e-mail.

E-mails are public records and must be identified, managed, protected, and retained as long as needed for operations, audits, legal proceedings, research, or any other known purpose.

REMEMBER:

- Employee e-mails on district technology are public records in Washington State and are subject to disclosure in a public records request.
- If the district is required to release your e-mails, the district may only redact protected personal and student information.
- What employees write can and will be read by anyone who makes a public record request.
- Don't write it in an e-mail if you do not want to see it in public.

Clicking [here](#) will take you to a website for more information on the [Washington Public Records Act](#).



Electronic Recording

It is not uncommon for employees to attempt to record, openly or secretly, conversations with other people.

The privacy provisions in Washington require that such recording be:

- **announced** in advance
- **consented** to by all parties
- **consent** must also be **recorded**

RCW 9.73, Privacy, prohibits the recording of conversations without the consent of all parties.

Public media is exempt from the restriction if consent is given or if the recording is readily apparent.

Freedom of Speech

Public employees enjoy the same constitutional freedoms as all other employees. However, this does not mean that any manner of speech is automatically protected.

Federal courts have consistently found that there must be a balance between the government's interest as an employer and the employee's interest as a citizen.

Employees are generally expected to work within the organization to raise their concerns and express their opinions about the operations of the district. The general criteria pertaining to public criticism are a 2-step process:

Step 1: Did the employee engage in speech that addressed a matter of *public concern* and is therefore constitutionally protected? If so,

Step 2: Is the government's interest as an employer in providing effective and efficient services outweighed by the employee's interest as a citizen in commenting upon the matter of public concern?

Public criticism that is **more in the personal interest** of the employee is not generally protected and can lead to discipline.

Freedom of Speech & Social Networking

SOCIAL NETWORKING:

- **Includes such sites as MySpace, Friendster, Blogger, and Facebook**
- **Should not be done on school district equipment or time unless specifically work-related and in conformance with district policy.**
- **Whether at school or away from school, social networking creates an employee risk of disclosure of confidential, personal, offensive, or defamatory information that can impact the school environment or employee's ability to perform.**

The use of social networking is on the rise by students and staff. It can serve valuable purposes, such as engaging colleagues in thoughtful discourse or exploring areas of mutual professional interest.

Social networking can also place employees at risk. Any communication between staff and students that can be characterized as private could raise a due diligence concern that the district would need to investigate as a possible boundary invasion. Under Washington law, your employer may require you to share your content under certain investigative conditions.

School employees may also be subject to board policy when communicating with students and fellow staff and must also be aware of those policies governing sexual harassment or discrimination. Teachers are expected to be role models to students and to impart basic societal values and qualities of good citizenship. When employees use social networking in violation of these expectations, they place themselves at risk of discipline.

Before blogging, remember that it may be read by thousands of people, including students and those you are writing about. Blogging is only subject to First Amendment protections as called for under existing law. There may be a difference in the protection afforded your speech as a citizen versus your speech as an employee.

Think before you blog.

School Employee Ethics

RCW 28A.400.332

Ethics provisions for school district employees:

May not employ or use any person, money, or property, without authorization, for private benefit or gain.



Employees should always be cautious of using school district resources for a purpose or in a manner that could be viewed as personal use.

School districts may allow for limited exceptions in the use of district resources. Such exceptions must be of “de minimis” (minimal) cost and value and must not interfere with the performance of public duties. When in doubt, ask!

Employees must always seek approval before using district resources for personal use. Failure to do so can, and generally will, result in discipline up to and including the possibility of discharge.

Attendance and Absenteeism

Washington statutes provide for “annual leave” accrual for school district employees to be used for illness, injury, or emergencies.

Washington statutes also provide an incentive program to encourage employees to conserve illness, injury, or emergency leave.

An employee who has exhausted accrued leave may usually request an advance of leave or leave without pay. Such requests are governed by district policy and collective bargaining agreements. Approval is generally at the district’s discretion.

An employee who has exhausted his or her leave, has not been granted a leave advance or leave without pay, and is unable to report for duty may be subject to termination of employment.

It is essential to the objective of educating children that school employees be present for as many student days as reasonably possible. Substitutes are never a better alternative than regular employees.

Employees are encouraged to conserve and use leave for bona fide illnesses, injuries, and emergencies. Proper use protects the interests of employees and strengthens the learning process.

Employees must follow school and district policies and procedures for use of leave. Failure to do so can, and usually will, result in discipline.



Use of Public Facilities in Election Campaigns

Washington State's Public Disclosure Commission is responsible for issuing guidelines governing the conduct of employees in election campaigns.

The guidelines specifically prohibit:

- use of work hours or public resources to promote or oppose a candidate or an issue
- pressuring or coercing other employees to participate in campaign activities
- use of district resources to organize or distribute campaign materials
- use of district internal mail or e-mail systems to communicate campaign-related material
- distribution of promotional materials in the classroom or other public areas

Public disclosure guidelines are intended to protect the integrity of public resources. They do not remove an employee's citizenship rights outside of the public resource.

Employees may, for instance:

- speak at community forums
- inform staff during non-duty hours of opportunities to participate
- engage in campaign activities on their own time
- wear campaign buttons while on the job if district policy allows
- make materials available to employees in lunchrooms and break rooms during non-duty hours if the rooms are only used by staff
- place window signs or bumper stickers on their cars even if parked on school property during duty hours

Clicking [here](#) will take you to a website for more information on the [Public Disclosure Commission Guidelines](#).



Religion

Under the U.S. Constitution, the First Amendment's two clauses provide for freedom from and of religion in the public schools:

- **Establishment Clause** limits what government can do (it keeps the government from imposing its religious beliefs on students)
- **Free Expression Clause** provides for all citizens, including students, to be able to express their own religious beliefs

The courts mandate neutrality:

*Government in our democracy, state and nation, **must be neutral** in matters of religious theory, doctrine and practice... not hostile to any religion or to the advocacy of non-religion.*

It is not OK to press one's religious beliefs on others while working or representing the district. While employees and students don't leave their free speech rights at the schoolhouse door, religious discussions between employees should not occur in the presence of students or in such a manner as to create discomfort for others.

Within the approved district curriculum, there may be objective discussions of religion within the classroom. Teachers and staff must **assure neutrality and fair representation** of all views when such approved, curriculum-based discussion occurs.

Employers have an obligation to support employees in observing their religious holy days. Usually, arrangements can be made for compensatory time to celebrate religious holidays that are otherwise workdays. See your supervisor for specific questions.



Religion

Under the Washington Constitution, Article 1 Section 11:

- “All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.”
- “No money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment.”
- This provision of the Washington Constitution was upheld in a 2004 U.S. Supreme Court decision, *Locke v. Davey*.

The fact that money may not be appropriated for religious worship, exercise or instruction, or the support of any religious establishment, translates into a **prohibition against employees using paid duty time for these purposes.**

Here are examples of prohibited activities:

- students, such as band or orchestra members, being required to attend religious services such as baccalaureate
- school buses being used to transport choir students to religious fundraisers or services
- coaches leading teams in prayer before a school-sponsored game

Clicking here will take you to a website for more information on [religion in public schools](#).



Religion

(For Students)

What Is Constitutional?

- Give individual prayer
- Wear religious dress or messages on their clothes
- Read and distribute religious materials at school (but school can determine the time, place, and manner)
- Initiate religious meetings at school in accordance with the Federal Equal Access Act and district policy
- Express personal religious beliefs and invite others to attend their church
- Be excused for religious holidays or religious instruction
- Be excused from activities that violate their religious beliefs (flag salute, health class)
- Give a religious response to open-ended assignments

Because of the two different clauses in the U.S. Constitution, students have much broader latitude for religious activities at school than employees or volunteers.

Students have freedom of religious expression at school so long as it does not cause a substantial disruption to the educational process.

Clicking here will take you to a website for more information on the [Equal Access Act](#).



Religion

(For Employees and Volunteers)

The issue of religion in schools can be complicated, with passionate viewpoints coming from both sides. Some basic guidelines, however, as to what is unconstitutional and constitutional can be of assistance. Supported by law and the community, schools can create an environment that is consistent with the Constitution and educationally beneficial for students.

What Is Unconstitutional?

- To distribute religious materials in class
- To promote or be hostile toward particular religious beliefs or non-beliefs
- To give religious assignments
- To present predominantly religious music programs
- To lead or encourage student prayers
- To invite students to attend your church or synagogue

What Is Constitutional?

- To teach about religion
- To acknowledge all religious holidays
- To excuse students during school day for religious instruction
- To permit secondary students to hold student-initiated religious meetings at school under the Equal Access Act
- To celebrate the cultural aspects of religious holidays

How to Teach About Religion

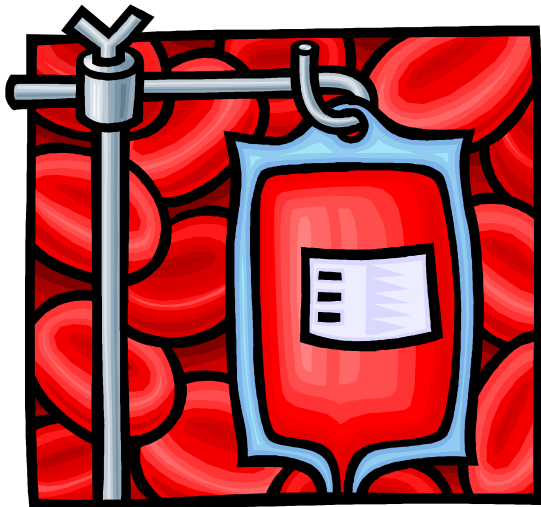
- Utilize academic, not devotional approach.
- Strive for awareness, not acceptance.
- Study religion, don't practice it in class.
- Expose a diversity of viewpoints, but refrain from imposing one's view.
- Educate about all religions, do not promote or denigrate religions or nonbelievers.
- Inform students about beliefs as opposed to conforming to a belief.

**-taken from Educational Leadership,
Teaching About Religion, 2002**

Bloodborne Pathogens

Bloodborne pathogens are infectious diseases that can be transmitted through direct contact with blood. Several types of bloodborne pathogens that can put individuals at risk are:

- Hepatitis B and C viruses, which can infect and damage the liver
- HIV (human immunodeficiency virus), which attacks the immune system, causing it to break down



Exposure to bloodborne pathogens can and does occur in the workplace. **Blood is the most important source of Hepatitis B and C and HIV exposure for individuals.**

People can be infected in a variety of ways, including being stuck by needles and sharp objects or having contaminated blood splash on their bodies. In addition, the diseases can be spread through contact with other bodily fluids, or if blood contacts broken skin or mucous membranes of the eyes, nose, or mouth.

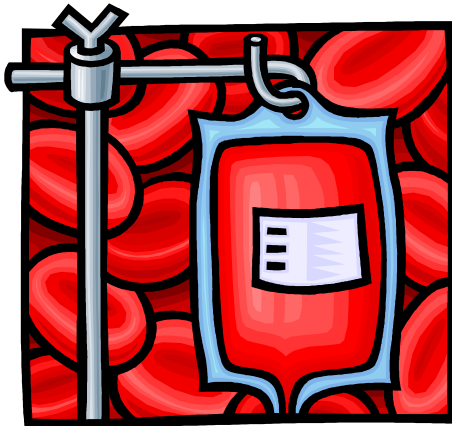
While the risk of contracting these diseases is low, employees must be educated to deal with blood and bodily fluids safely.


Clicking here will take you to [guidelines](#) and more information on bloodborne pathogens.

Bloodborne Pathogens

Protecting Employees from Exposure (WAC 296-823)

OSHA's bloodborne pathogens standards require all employers to prepare a written exposure control plan, which evaluates routine activities in the workplace that involve exposure to blood or other infectious materials. Workers performing the activities must be identified and methods of reducing risks need to be established.



 At this time, obtain a copy of your district's exposure control plan (ECP) on addressing occupational exposure to bloodborne pathogens.

Hepatitis B, Hepatitis C, and HIV infections are preventable.

Universal Precautions

- Always wash your hands when handling bodily fluids and after using the bathroom.
- Utilize gloves as needed. Dispose of properly.
- Clean infected areas after a blood spill by using approved hospital-grade disinfectant.
- Utilize resuscitation devices when giving CPR.
- Dispose of infectious waste properly.
- Obtain vaccines to protect against hepatitis A and B.

Injury at Work

Public school employees in Washington are entitled to no-fault accident and disability coverage by Labor & Industries (L&I) or the school district if self-insured.

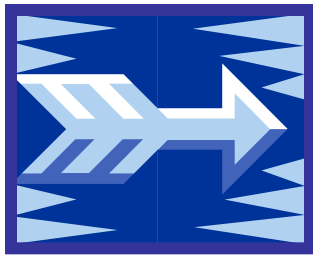
Claims must be filed as soon as possible, but no later than 1 year for injuries and 2 years for occupational disease.

Any person making a false claim may be guilty of a misdemeanor or a felony depending on the level of the claim.

The first priority is always to assure the safety of employees. All supervisors and employees share a responsibility to be vigilant about safety issues and resolving concerns or bringing them to the attention of the district.

Employees who suffer an injury or occupational disease must notify their supervisor and fill out an accident report. Additionally, employees who seek medical attention must complete a Physician's Initial Report at the doctor's office.

Clicking here will take you to a website for more information on [benefits and procedures](#).



Employee Rights

Employees Have the:

- Right to representation
- Right to a hearing
- Right to grieve
- Right to seek court action
- Right to privacy

Employees are entitled to representation under law and by virtue of collective bargaining agreements if the employee reasonably believes that discipline or discharge may result. The representative is not entitled to materially interfere with the employer's right to conduct the investigatory interview.

Employees may not be discharged without the opportunity to be informed of the charges and given the opportunity to respond to the charges. Such a hearing is essential to determine whether or not there are reasonable grounds for discharge.

Employee rights are generally protected through union grievance procedures and, in the case of certificated school employees, through the due process provisions in RCW 28A.405.300.

Records of public employees have only limited protection under the Washington Public Records Act. Privacy rights only protect records that would be highly offensive to a reasonable person AND that are not of legitimate concern to the public.

Clicking here will take you to a website for more information on [employee rights](#).

Employee Files and Disclosure

RCW 42.56

Washington Public Disclosure Act:

Some information is protected under this or other statutes, to include:

- * Applications of candidates for employment
- * Personal confidential information
- * Medical information
- * Immigration documents
- * Fingerprint and background checks

The statute provides for release of information of public interest that is not otherwise protected.

Privacy information will be redacted before releasing an employee file, including an investigation or discipline file. Privacy information includes such items as SSN, home address, home phone number, names of children, etc.

It is important to note that discipline records are generally subject to release.

Employees are legally entitled, and encouraged, to inspect their personnel records at least yearly.

Employee consent to a Public Disclosure Act request is not required.



Employee Assistance

School districts generally contract with counseling specialists for an employee assistance program. Services typically include:

- Marital and Family Counseling
- Emotional and Stress Counseling
- Alcohol and Drug Counseling
- Other Life Adjustment Problems

Services are usually free to the employee for initial consultation and counseling services.

Protect your health and avoid placing your job at risk. Employees encounter many personal challenges. Some have the capacity to resolve their own problems; others need help. Employee assistance is a very private service that employees may access directly without any involvement or knowledge by supervisors or the school district.

Problems that challenge your physical or mental health or may impact your attendance, performance, or behavior will almost always lead to discipline or performance probation if left unattended. Employers will work with employees to provide accommodations, and explain such entitlements as the Family Medical Leave Act, which can help the employee avoid such consequences.

 **Check with your Human Resources Office and ask whether your district has an employee assistance program.**

Clicking here will take you to a website for more information on [employee assistance](#).



A Values-Based Culture

We all want to be part of an organization that embodies the very best of purpose and values. In public education, the moral purpose of making a difference in the lives of people provides a values framework. Those values include honesty, integrity, and commitment. As part of a professional learning community, values also include interpersonal relationships, communications, sharing and collaborating, advocacy for students, lifelong learning, and an unyielding belief that every student needs the very best that we can offer as teachers and support staff.

SET THE EXAMPLE: Each of us has a dual obligation. The first is our own professionalism and commitment to the moral purpose and the values of the organization. The second is to create and contribute to sustaining those same values in the greater environment that surrounds us (i.e., the organizational culture).

HELP OTHERS SUCCEED: Observing and not acting on behavior by others that is contrary to the values of the organization not only affects our collective ability to achieve the moral purpose, but also denies the individual(s) the opportunity to change. **Take ownership: share concerns** with a supervisor. It's not about "telling," but about facilitating help for someone who needs to change.

Administering Student Medication

RCW 28A.210.260



Schools may provide for the administration of oral medication, topical medication, eye drops, ear drops, or nasal spray, to students who are in the custody of the school at the time of administration.

Medication may ONLY be administered by specifically designated staff members.

Nasal spray that is a legend drug (i.e., prescription) or a controlled substance must be given by a school nurse. If no nurse is on the premises, it may be administered by a trained school employee or parent-designated adult who has been trained under the District's policy.

When such nasal spray is administered by an approved person other than a nurse, the employee shall summon emergency medical assistance as soon as practical.

If you are not an approved and trained employee and are confronted by a student medication issue, immediately contact an administrator or the school health office.

Certificate of Completion



for satisfactorily completing
What Every Employee Must Be Told

In signing this certificate, I certify that I have completed the training and understand the information presented.

Employee Name

Employee Signature _____ Date _____ Supervisor/Trainer Signature _____ Date _____

After completing both signatures, copy this certificate and retain one for your files. Forward the other copy to your Human Resource district office.