

DERMOTT SPECIAL SCHOOL DISTRICT

NON-CERTIFIED/CLASSIFIED PERSONNEL POLICIES

SCHOOL BOARD MEMBERS

Lucan Hargraves
Stephanie Jones, President
Clarence Thrower
Lexa McMickle, Secretary
Leroy Kennedy, Vice President
Lanette Britt

Committee Members

Fundra Hawkins
Katherine Mitchell
Pearline Harris
Linda Tyler
Tonya Allen

SUPERINTENDENT

Kristi Ridgell

Adopted: August 2022
Aligned with ASBA Model Policies

GC	Classified Personnel Section
SN	Excludes school management and supervisory Personnel classified under CG policies.
GCA	Compensation Guides and Contracts (Cf. EGA)
SN	Scope of category determined by actual agreements in force. See Handbook.
GCAA	Merit System
GCB	Positions
GCBA	Qualifications and Duties
SN	Job descriptions listed and coded (GCBAA, GCBAB, etc) Job-by-job
GCC	Recruitment
GCD	Hiring
GCE	Assignment
GCF	Orientation
GCG	Probation
GCH	Supervision
GCI	Evaluation
GCJ	Promotion
GCK	Suspension
GCKA	Lay-Off
GCL	Tenure
GCM	Transfer
GCN	Separation
GCO	Resignation
GCP	Re-employment
GCQ	Retirement
GCR	Working Conditions
GCRA	Health Examinations
GCRAA	Drug Free Workplace
GCRAF	Drug and Alcohol Testing for Bus Drivers
GCRAE	Workmen's Compensation
GCRB	Time Schedules
GCRD	Work Load
GCRD	Overtime Pay
GCRE	Expenses (Cf. DJD)
GCRF	Non-School Employment

GCRG	Leaves and Absences
GCRGA	Emergency and Legal
GCRGB	Illness
GCRGC	Maternity
GCRGD	Military
GCRGE	Religious
GCRGF	Bereavement
GCRH	Vacations
GCRI	Paid Holidays
GCS	Employee Organizations (Cf. HBH)

Section 1. (a) Each school district in the State of Arkansas shall have a set of written personnel policies, including the salary schedule for each classification of classified personnel in the schools.

(b) For the purposes of this act there shall be five (5) classifications of classified personnel as provided for in Section 3 of this sub-chapter.

(c) For purposes of this act, a classified employee shall be an employee of a public school who is not required to hold a teaching license issued by the State Board of Education.

Section 2. The provisions of this act shall not apply if the district chooses to officially recognize in its policies an organization representing the majority of the classified personnel of the district for the purposes of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement.

Section 3. (a)(1) Each school district shall have a committee on personnel policies for classified personnel which consists of at least one

(1) non-management representative from each of the following five (5) classifications:

- (A) Maintenance and operation;
- (B) Transportation;
- (C) Food Service;
- (D) Secretarial and clerical; and
- (E) Aids and paraprofessionals.

(2) Any classification of support personnel not identified in the five (5) classifications may be added as an additional representative.

(b) There shall be no more than three (3) administrators on the committee, one (1) of which may be the superintendent of schools.

(c) The classified personnel members of the committee on personnel shall be elected by the majority of the classified personnel voting by secret ballot.

(d) The election shall be solely and exclusively conducted by the classified personnel including distribution of ballots to all classified personnel.

(e) The election shall be conducted by mid-October.

Section 4. (a) The personnel policies of the school district in effect at the time a classified employee's contract is entered into or renewed shall be considered to be incorporated as terms of the contract and shall be binding upon both parties unless changed by mutual consent.

(b) Any amendments to personnel policies adopted during the term of such contract shall become effective the following July 1. However, these amendments may take place immediately with mutual consent.

Section 5. (a) The school district's committee on the personnel policies for classified personnel shall organize itself in October, elect a chairman and a secretary, and develop a calendar of meetings throughout the year to review the district's personnel policies to determine if additional policies or amendments to existing policies are needed.

(b) Minutes of the committee meeting shall be promptly reported and distributed to members of the board and posted in the worksites of the district including administrative offices.

(c) Either the committee or the board of directors may propose new personnel policies or amendments to existing policies, if the proposals by the board have been submitted to the committee at least ten (10) working days prior to presentation to the board.

(d) The committee shall present its proposed policies or amendments to existing policies to the board of directors.

(e) After presentation to the board, final action shall be taken no later than the next regular board meeting.

(f) The board of directors shall have the authority to adopt, reject, or refer back the committee on personnel policies for further study and revision, and proposed policies or amendments to existing policies that are submitted to the board for consideration.

Section 6. (a) Each classified employee being employed by a school district for the first time shall be given a copy of the district's personnel policies in effect at the time of his or her employment.

(b) Each classified employee or administrator who was employed before the adoption of this policy shall be given a copy of the district's personnel policies at the time his or her contract is renewed or extended.

(c) Each classified employee or administrator shall be furnished a copy of any amendments to the personnel policies within thirty (30) days after approval of the amendments by the board of directors of the district.

Legal References:
Act 1780 of 2003

SALARY

1. The salary of a non-certified person who begins work with the Dermott Public School for the first time will be no less than the prevailing minimum wage.
2. The skills necessary to perform a particular job and a person's experience will be factors in determining an individual's starting salary.
3. The board reserves the right to determine specific pay periods and the days those periods shall cover. These periods and days shall be stated in an employee's contract.
4. Raises may be given each year if the money is available. The board will determine the amount of increase and whether the increase will be a percentage raise or an "across the board" raise.
5. A day's salary for an employee will be determined as follows:
 - a. Employees paid monthly: A day's salary shall be determined by dividing the salary as stated in the employee's contract by the number of working days, as determined by the superintendent, in the contract. The total number of working days shall normally be 190 for 9 month employees, 200 for 10 month employees, 210 for 11 month employees and 240 for 12 month employees with the exception of the custodial, maintenance and bus maintenance employees, who work on a 240 day work year.
 - b. Employees paid on an hourly basis: A day's salary will be determined by multiplying the normal number of hours worked per day by the hourly rate as stated in the employee's contract.

Legal References:

Act 822 of 1989; Act 223 of 1971; Act 376 of 1977.

Policy Name: PAYROLL DEDUCTIONS

Policy Code: GCAA

Date Adopted: 8-8-2002

A. INSURANCE

1. Payroll deductions may be made for insurance plans as approved by the board.
2. An employee wishing payroll deductions for insurance should contact the Administration Center or a company representative for the necessary forms.
3. Accident insurance sold to student is also available to teachers and to non-teaching employees.

Policy Name: WRITTEN SALARY SCHEDULES Policy Code: GCAB

Date Adopted: 8-8-2002

_____ It shall be the policy of the Board of Directors that:

1. The school district shall adopt written salary schedules for classified personnel annually and shall file such schedules with the Department of Education no later than September 15 for the school year in which they are in effect.
2. Such schedules shall reflect the actual pay practices of the district for classified personnel.

Legal References:

Act 391 of 1999

Adopted August 2022---Aligned with ASBA Model Policies

DERMOTT SCHOOL DISTRICT 2022-2023

KRISTI RIDGELL
525 E SPEEDWAY ST
DERMOTT, AR 71638

SUPERINTENDENT
(870) 538 - 1000

Empowering Teachers, Inspiring Students

PD - Aug 3 -11	End of 1 st Quarter Oct 14 (44 Days)	Christmas Break Dec 23 – Jan 9	3 rd Quarter Ends March 17 (48 Days)	4 th Halfway Report – April 27
Open House – Aug11 5 – 6:30	1 st Quarter Report Oct 20	Flex Day – Jan 6	Spring Break – Mar 20 - 25	4 th Quarter-March27- May 25(43 days)
1 st Day of School - Aug 15	2 nd Halfway Report Nov 17	2 nd Quarter Report – Jan 12—MLK January 16	3 rd Quarter Report – March 30	Memorial Day – May 29
Labor Day - Sept 5	Thanksgiving Break Nov 21 - 25	3 rd Halfway Report/PT Conf. 1:30 – 7:30 Feb 9	Good Friday – April 7	Makeup Days – May 26 – May 30-June 2
Halfway Report/PT Conf 1:30 – 7:30 Sept 15	2 nd Quarter Ends – Dec 22 (43 Days)	President's Day - Feb 20	Flex Day – April 10	*3 Days Of PD On Your Own During The Summer For Certified Staff

AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER							JANUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6						1	2	3						1			1	2	3	4	5				1	2	3	1	2	3	4	5	6	7	
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	29	30	31				
														30	31																										
FEBRUARY							MARCH							APRIL							MAY							JUNE							JULY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	4				1	2	3	4						1		1	2	3	4	5	6				1	2	3								1
5	6	7	8	9	10	11	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
12	13	14	15	16	17	18	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
19	20	21	22	23	24	25	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
26	27	28					26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
														30																				30	31						

2022-2023
DERMOTT SCHOOL DISTRICT
180 DAY NON-CERTIFIED SALARY SCHEDULE

Two or more years (60 hours) of college credit (College Transcript Necessary)

EXPERIENCE	SALARY
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0	\$17,129.42
1	\$17,239.42
2	\$17,349.42
3	\$17,459.42
4	\$17,569.42
5	\$17,679.42
6	\$17,789.42
7	\$17,899.42
8	\$18,009.42
9	\$18,119.42
10	\$18,229.42
11	\$18,339.42
12	\$18,449.42
13	\$18,559.42
14	\$18,669.42
15	\$18,779.42

Approved:
180 days
\$110 per step increase

Adopted August 2022---Aligned with ASBA Model Policies

2022-2023
DERMOTT SCHOOL DISTRICT
190 DAY NON-CERTIFIED SALARY SCHEDULE
AIDES, SECRETARIES, ETC.

Two or more years (60 hours) of college credit. College transcript necessary.

EXPERIENCE	SALARY
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0	\$18,034.39
1	\$18,144.39
2	\$18,254.39
3	\$18,364.39
4	\$18,474.39
5	\$18,584.39
6	\$18,694.39
7	\$18,804.39
8	\$18,914.39
9	\$19,024.39
10	\$19,134.39
11	\$19,244.39
12	\$19,354.39
13	\$19,464.39
14	\$19,574.39
15	\$19,684.39

Approved:

Other Extended Contracts

10 months (200 days) 1.1

11 months (220 days) 1.2

12 months (240 days) 1.3

190 days \$110.00 step increase

2022-2023
DERMOTT SCHOOL DISTRICT
CAFETERIA, BUS DRIVERS, CUSTODIANS AND
CROSSING GUARD

SALARY SCHEDULE

CAFETERIA

Shirley Allen	* \$16,326.00 (7.25 hours/day at 12.50/hour) 178 days
Georgia Figures	\$14,724.00 (6.5 hours/day at 12.50/hour) 178 days
Jimmie Robinson	\$14,724.00 (6.5 hours/day at 12.50/hour) 178 days

* This amount is due to coming in early or staying later and can be adjusted if necessary.

CUSTODIANS

Linda Tyler	\$21,000.00 (7 hours/day at 12.50/hour, 240 days)
Velda Burkley	\$21,000.00 (7 hours/day at 12.50/hour, 240 days)

CROSSING GUARD

\$3,900.00

BUS DRIVERS

Regular Route:	0 – 10 miles (One way)	\$7,000.00
Long Route:	11 – 19 miles (One way)	\$8,014.00
Extra Long Route:	20 and Over (One way)	\$9,027.00

Approved:

Adopted August 2022---Aligned with ASBA Model Policies

2022-2023
DERMOTT SCHOOL DISTRICT
CAFETERIA DIRECTOR

EXPERIENCE

SALARY

0	\$17,640.00
1	\$17,740.00
2	\$17,840.00
3	\$17,940.00
4	\$18,040.00
5	\$18,140.00
6	\$18,240.00
7	\$18,340.00
8	\$18,440.00
9	\$18,540.00
10	\$18,640.00
11	\$18,740.00
12	\$18,840.00
13	\$18,940.00
14	\$19,040.00
15	\$19,140.00

Approved:
200 day contract 1.1 multiplier
\$100.00 per step increase

2022-2023
DERMOTT SCHOOL DISTRICT
LEAD MAINTENANCE PERSONNEL

EXPERIENCE	SALARY
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0	\$21,000.00
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1	\$21,100.00
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2	\$21,200.00
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3	\$21,300.00
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4	\$21,400.00
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5	\$21,500.00
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6	\$21,600.00
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7	\$21,700.00
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8	\$21,800.00
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9	\$21,900.00
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10	\$22,000.00
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11	\$22,100.00
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12	\$22,200.00
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13	\$22,300.00
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14	\$22,400.00
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15	\$22,500.00
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Approved:

Contract is for a period of 240 days

\$100.00 per step increase

Adopted August 2022---Aligned with ASBA Model Policies

2022-2023
DERMOTT SCHOOL DISTRICT
DISTRICT TREASURER

EXPERIENCE

SALARY

0	\$26,275.18
1	\$26,375.18
2	\$26,475.18
3	\$26,575.18
4	\$26,675.18
5	\$26,775.18
6	\$26,875.18
7	\$26,975.18
8	\$27,075.18
9	\$27,175.18
10	\$27,275.18
11	\$27,375.18
12	\$27,475.18
13	\$27,575.18
14	\$27,675.18
15	\$27,775.18

Approved:
12 months (240 days) contract 1.3 multiplier
\$100.00 per step increase

2022-2023

DERMOTT SCHOOL DISTRICT
MAINTENANCE/CUSTODIAN SUPERVISOR

EXPERIENCE	SALARY
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0	\$34,974.82
1	\$35,074.82
2	\$35,174.82
3	\$35,274.82
4	\$35,374.82
5	\$35,474.82
6	\$35,574.82
7	\$35,674.82
8	\$35,774.82
9	\$35,874.82
10	\$35,974.82
11	\$36,074.82
12	\$36,174.82
13	\$36,274.82
14	\$36,374.82
15	\$36,474.82

Approved:
Contract is for a period of 240 days
\$100.00 per step increase

2022-2023
DERMOTT SCHOOL DISTRICT
SCHOOL NURSE (RN)

SALARY

\$209.00 PER DAY

Approved:

2022-2023

DERMOTT SCHOOL DISTRICT
JUNIOR/HIGH SCHOOL
ISS INSTRUCTOR

EXPERIENCE

SALARY

0	\$17,203.14
1	\$17,303.14
2	\$17,403.14
3	\$17,503.14
4	\$17,603.14
5	\$17,703.14
6	\$17,803.14
7	\$17,903.14
8	\$18,003.14
9	\$18,103.14
10	\$18,203.14
11	\$18,303.14
12	\$18,403.14
13	\$18,503.14
14	\$18,603.14
15	\$18,703.14

Approved:
180 day contract
\$100.00 per step increase

2022-2023
DERMOTT SCHOOL DISTRICT
HEAD MECHANIC

EXPERIENCE

SALARY

0	\$29,774.81
1	\$29,874.81
2	\$29,974.81
3	\$30,074.81
4	\$30,174.81
5	\$30,274.81
6	\$30,374.81
7	\$30,474.81
8	\$30,574.81
9	\$30,674.81
10	\$30,774.81
11	\$30,874.81
12	\$30,974.81
13	\$31,074.81
14	\$31,174.81
15	\$31,274.81

Approved:
240 day contract
\$100.00 per step increase

2022-2023
DERMOTT SCHOOL DISTRICT
TRANSPORTATION DIRECTOR

EXPERIENCE

SALARY

0	\$20,780.80
1	\$20,880.80
2	\$20,980.80
3	\$21,080.80
4	\$21,180.80
5	\$21,280.80
6	\$21,380.80
7	\$21,480.80
8	\$21,580.80
9	\$21,680.80
10	\$21,780.80
11	\$21,880.80
12	\$21,980.80
13	\$22,080.80
14	\$22,180.80
15	\$22,280.80

Approved:
240 day contract
\$100.00 per step increase

Adopted August 2022---Aligned with ASBA Model Policies

2022-2023
DERMOTT SCHOOL DISTRICT
180 DAY NON-CERTIFIED SALARY SCHEDULE
AIDES, SECRETARIES, ETC.

EXPERIENCE

SALARY

0	\$15,960.00
1	\$16,060.00
2	\$16,160.00
3	\$16,260.00
4	\$16,360.00
5	\$16,460.00
6	\$16,560.00
7	\$16,660.00
8	\$16,760.00
9	\$16,860.00
10	\$16,960.00
11	\$17,060.00
12	\$17,160.00
13	\$17,260.00
14	\$17,360.00
15	\$17,460.00

Approved:
180 days
\$100 per step increase

2022-2023
DERMOTT SCHOOL DISTRICT
DUE PROCESS CLERK

EXPERIENCE	SALARY
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0	\$19,917.96
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1	\$20,017.96
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2	\$20,117.96
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3	\$20,217.96
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4	\$20,317.96
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5	\$20,417.96
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6	\$20,517.96
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7	\$20,617.96
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8	\$20,717.96
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9	\$20,817.96
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10	\$20,917.96
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11	\$21,017.96
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12	\$21,117.96
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13	\$21,217.96
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14	\$21,317.96
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15	\$21,417.96
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Approved:
10 months (200 days) contract 1.1 multiplier
\$100.00 per step increase

Adopted August 2022---Aligned with ASBA Model Policies

Policy Name: PERSONNEL RECORDS

Policy Code: GCAD

Date Adopted: 8-8-2002

CREDENTIALS TO BE FILED IN THE ADMINISTRATION CENTER

1. Non-certified employees shall place on file in the Administration Center a Social Security number, state and federal withholding tax exemption forms, and a certificate of health stating freedom from tuberculosis. (See portion of Act 97 of 1977, below.) S.L.A. 6-17-101

“Any new employee coming into the district shall present to the Secretary of the Board of directors of the employing district, a certificate of health dated not more than 90 days prior to date of its presentation stating that said employee is free from tuberculosis.”

2. Secretaries and aides shall file birth certificates and teacher retirement forms. Participation in the teachers retirement system is mandatory for secretaries and aides. (7/18/90)
3. Other non-certified personnel shall file state retirement forms.
4. The administration may request that an employee file proof of a physical examination by a licensed medical doctor (M.D.)

Legal References:

Act 49 of 1987

Policy Name: CLASSIFIED STAFF POSITIONS

Policy Code: GCB

Date Adopted: 8-8-2002

The Superintendent of Schools shall recommend to the board of Education such non-professional personnel as may be necessary to provide adequate support to the instructional program of the schools. These employees will include persons to manage and operate the following support services:

1. Clerical Support.
2. Transportation.
3. Food Service.
4. Custodial.
5. Maintenance of Plant.
6. Other as may be needed.

Legal References:

Adopted August 2022---Aligned with ASBA Model Policies

None

Policy Name: CLASSIFIED PERSONNEL
QUALIFICATIONS AND DUTIES

Policy Code: GCBA

Date Adopted: 8-8-2002

The school district shall maintain a staff of employees who are not certified by the State Department of Education in the necessary non-instructional capacities: clerical, custodial, food service, transportation, health and maintenance. These employees shall perform those necessary duties as are stipulated by the Superintendent of Schools. (At the time of employment, the superintendent will supply Classified persons with a copy of their job description. This will become an attachment.) It shall be the duty of the Superintendent of Schools to recommend the employment of the individual members of the non-instructional staff to the Board of Education for approval and employment. The superintendent shall consider as far as it is possible the wishes of employees in placement and assignment. Employees may be assigned, or transferred by the decision of the superintendent. Salaries will be commensurate to duties performed and the prevailing wage of the area. All non-instructional personnel are covered by Social Security and entitled to benefits there of.

A full-time non-certified employee must work a minimum of 900 hours a year. All non-certified employees are covered by Social Security.

Membership in Arkansas Teacher Retirement System is required for all non-certified employees after July 1, 1989. Part-time non-certified employees, such as substitutes, may exclude themselves from membership.

All clerical aides will be required to work for a full day the opening day of school and at the close of semesters when school is dismissed at noon unless otherwise directed by their principals.

Legal References:

Act 793 of 1977

The Board of Education recognizes that each employee has the same civil and constitutional rights as any other citizen.

It is believed by the staff, administration, and the Dermott School board that many actions are neither ethical nor acceptable. The following is a list of acts or actions which may warrant reprimand by the principal, superintendent, or board. Suspension or termination may result at the discretion of the administration with approval of the board. This list is considered to be partial and does not limit itself:

1. Possession of alcoholic beverage on school campus.
2. Under the influence of alcohol on campus during school hours or at a school function whether on campus or elsewhere.
3. Possession of non-prescription illegal drugs on campus.
4. Under the influence of non-prescription illegal drugs on campus during school hours or at a school function whether on campus or elsewhere.
5. The use of vulgar, suggestive, foul, or profane language on the school campus or at any school function or any school connected activity.
6. The use of obscene gestures on campus during school hours or at any school connected activity.
7. Committing an immoral act with any school employee or student on the school campus.
8. In order to meet the requirements of the Drug-Free Workplace Act of 1988 no employee of the Dermott School District shall engage in the unlawful manufacturing, distribution, dispensing, possession or use of a controlled substance on school campus during school hours or at a school function whether on campus or elsewhere. An employee will be considered in violation of the policy if convicted of a criminal drug offense resulting from a violation occurring on school campus during school hours or at a school function whether on campus or elsewhere.

Violation of any of the above eight numbered acts will be governed by the Teacher Fair Dismissal Law.

Policy Name: EQUAL OPPORTUNITY EMPLOYMENT

Policy Code: GCBA

Date Adopted: 8-2-2002

No person in the Dermott School District shall, on the basis of race, color, creed, religion, sex, age, handicap, national origin or similar personal distinction, be denied the benefits of or be subjected to discrimination in regard to employment, retention, promotion, transfer or dismissal in any educational program or activity which is under the jurisdiction of the board.

Legal References:

U.S. Const. Amend. XIV. & 1; 42 U.S.C. & 2000e-1 to 17; 20 U.S. & 1681 et seq; U.S.C. & 794; 29 U.S.C. & 621 et. seq. See: Massachusetts Board of Retirement v. Murgia, 96 S. Ct. 2562, (1976); International Brotherhood of Teamsters v. United States, 97 S. Ct. 1843 (1977); Griggs v. Duke Power Company, 91 S. Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1969)

Policy Name: CLASSIFIED PERSONNEL-
RECRUITMENT

Policy Code: GCC

Date Adopted: 4-8-2003

It shall be the policy of the school board that:

Persons desiring employment shall file written application at the superintendent's office, setting forth in their application experience and other information as may be requested. It shall be the policy of the board to post notices in public places and/or in the local newspaper of all vacancies. Applications shall then be received and selection shall be made by the Board of Education based upon the recommendation of the superintendent at the next regular board meeting.

Legal References:

None

Adopted August 2022---Aligned with ASBA Model Policies

Policy Name: CLASSIFIED PERSONNEL
HIRING

Policy Code: GCD
Cf. GCRA

Date Adopted: 4-8-2003

It shall be the policy of the school board that all non-professional personnel will be recommended for employment and re-employment by the superintendent.

- A. Hiring shall be done on the basis of education, training, experience, special skills, and ability to perform the job.

Legal References:

Act 653 of 1989

Policy Name: CRIMINAL BACKGROUND CHECKS
FOR CLASSIFIED STAFF

Policy Code: GCDA

Date Adopted: 4-4-2003

SUPPORT STAFF QUALIFICATIONS AND REQUIREMENTS FOR
BACKGROUND CHECK NON-CERTIFIED PERSONNEL

Act 1317 of 1997 mandates the Board of Directors of the school district or education service cooperative to require, as a condition for initial employment in a non-certified staff position, any person making an application to apply to the Identification Bureau of the Department of Arkansas State Police for a State and Nationwide criminal records check, the latter to be conducted by the Federal Bureau of Investigation. The check must conform to applicable federal standards and including the taking of fingerprints.

A non-certified staff position is considered to be any job that does not require the person to hold a license by the State Board of Education and is either a full-time job, a full-time/part-time job, or is a job as a substitute teacher for 30 days or more during a school year. Applicants must sign a release of information to the Department of Education. The applicant will be responsible to the Arkansas State Police for the payment of the fee associated with the criminal records check.

Legal References:

Act 1314 of 1997

Policy Name: PERSONNEL - CENTRAL
OFFICE EMPLOYEES

Policy Code: GCDA

Date Adopted: 8-8-2002

It shall be the policy of the school board that the superintendent be responsible for the following:

There shall be a head secretary so designated by the Board of Education who shall be responsible for the daily routine of the office. The head secretary shall be directly responsible to the superintendent.

The central office staff shall consist of a number of employees adequate to carry out the administrative functions of the school. Accounting, payroll, federal programs, and all other reports required by the State Department of Education shall emanate from the central office.

Policy Name: SELECTION AND ASSIGNMENT
OF CLASSIFIED PERSONNEL

Policy Code: GCE

Date Adopted: 8-8-2003

It shall be the policy of the school board to delegate the responsibility and authority to the superintendent to assign support staff throughout the district as needed. The staff member will be provided orientation, training, and assignment to specific tasks by his/her immediate supervisor.

Legal References:

Act 654 of 1991.

Policy Name: ORIENTATION-CLASSIFIED
PERSONNEL

Policy Code: GCF

Date Adopted: 8-8-2003

The Board of Education recognizes the importance of an organized system-wide orientation program for all classified employees new to the School District each school year, and directs the Superintendent to plan and implement an orientation program in accordance with legal and other requirements.

Legal References:

Ark. Stat. Ann. &80-509

Policy Name: PROBATION

Policy Code: GCG

Date Adopted: 8-8-2002

The board of Education shall require each classified employee to serve a probationary period of two (2) successive years of employment in the School District. During the probationary period, the Superintendent may recommend to the Board non-renewal of a classified employee's contact.

The Board shall act on the recommendation and the Superintendent shall notify the employee, the decision of the Board.

Legal Reference:

None

Policy Name: SUPERVISION-CLASSIFIED
PERSONNEL

Policy Code: GCH
(Also GBH)

Date Adopted: 8-8-2002

The Board of Education is vested with the general administration and supervision of the School District. Actual supervision, administration and maintenance of the District is delegated to the Superintendent of Schools as the executive officer of the Board. At the discretion of the Superintendent, appropriate supervisory duties may be delegated to district staff members as required.

Legal References:

Ark. Stat. Ann. §§80-213, 80-509

Policy Name: CAFETERIA SUPERVISOR

Policy Code: GCHA

Date Adopted: 8-8-2002

Major Responsibilities:

1. The cafeteria supervisor shall be directly responsible to the superintendent.
2. The cafeteria supervisor shall operate an adequate school lunch program in accordance with federal and state regulations and be responsible for the performance of all school food services personnel.
3. A monthly report shall be prepared by the cafeteria supervisor. Supporting records shall be maintained and prepared for an annual audit.
4. Lunches shall be served at a reasonable cost to all students and school personnel.
5. Specific Duties shall be:
 - a. Prepare a financial report on all cafeterias for the superintendent.
 - b. Handle recommendations for cafeteria personnel selection, dismissal, and assignment.
 - c. Provide required information to district central office for preparation of payroll of cafeteria staff.
 - d. Requisition food, supplies, and equipment for school food services.
 - e. Prepare menus for all schools.
 - f. Responsible for the acceptance and delivery of county school commodities and the reports required.

Adopted August 2022---Aligned with ASBA Model Policies

- g. Recommends purchase of all kitchen and dining room equipment replacement and maintenance.
- h. Plans and supervises all special functions that are served by school cafeteria and personnel.
- i. Directs the implementation and monitoring of the Free Lunch Program.

The maintenance supervisor shall be responsible for the upkeep, repair, and maintenance of school property and facilities. The maintenance supervisor shall be directly responsible to the superintendent.

1. The maintenance supervisor shall recommend to appoint, demote, assign, and separate personnel of the school maintenance and custodial services to the superintendent.
2. The supervisor shall delegate to the custodial staff the responsibility for the safety and satisfactory conditions of the buildings and grounds and all machinery and equipment relating to heating, plumbing, ventilation, and operation of the school except such equipment or machinery as is used for instructional purposes. Custodians shall be under the immediate supervision of the principal and under the general supervision of the maintenance supervisor.
3. It shall be the policy of the district and carried out by the maintenance supervisor to recommend for hire maintenance and custodial personnel who are physically qualified to discharge all duties required by those departments.
4. Some of the more specific duties of the maintenance supervisor shall be:
 - a. To maintain proper distribution of school furniture and moveable fixtures.
 - b. To place buildings and grounds in condition for safe, sanitary, and efficient operation, and continuously inspect, appraise, and maintain

such condition throughout the term of their operation.

- c. To supervise the maintenance of an inventory of all property utilized by the buildings and grounds personnel.
- d. To recommend for requisition the equipment and supplies needed for the efficient operation and maintenance of all school property.
- e. To recommend to the superintendent the personnel needed to maintain grounds and other school property.

Page 1 of 2

Continuation 1	Policy	Code:
<u>GCHAA</u>		

- f. ____ To direct, in general, the work of all custodians.
- g. To distribute custodial supplies as needed and upon requisition by the school principal.
- h. To assign custodial personnel to the schools and to supervise the technical phases of the custodian's work through and with the principals.
- i. To maintain a continuous training program for custodial personnel.
- j. To report to the superintendent on conditions in the school buildings and grounds and to recommend changes and improvements which need to be made.
- k. To perform other duties as assigned by the superintendent.

Policy Name: PERSONNEL - BUS DRIVERS
DUTIES - SCHEDULE

Policy Code: GCHAB

Date Adopted: 4-8-2003

It shall be the policy of the school board that:

Duties and Responsibilities

Bus drivers employed by the district will be responsible to the superintendent. It is the responsibility of each driver to keep his bus clean and report any mechanical trouble to the school mechanic. All bus drivers must have a complete physical examination every other year, CDL License, T. B. Skin Test, must have a Criminal Background Check and must be the age of 21.

Days Off

Bus drivers shall be off on all days school is not in session.

Policy Name: DERMOTT SCHOOL DISTRICT Policy Code: GCI
EVALUATION POLICY FOR CLASSIFIED PERSONNEL

Date Adopted: 4-8-2003

It shall be the policy of the school board that non-professional personnel will be evaluated by the appropriate supervisor. The superintendent will be responsible to implement these evaluation procedures.

Legal References:

Ark. Stat. Ann. §§80-1256; Act 110 of 1983, first Extraordinary Session.

Policy Name: CLASSIFIED PERSONNEL- PROMOTION-DEMOTION Policy Code: GCJ

Date Adopted: 8-8-2002

It shall be the policy of the School Board that the Superintendent may apply the following in employment status:

1. Promotions

Vacated or newly established positions shall be filled, to the fullest extent consistent with efficient operations, by the promotion of qualified employees.

2. Demotions

An employee shall be subject to demotion under the following conditions:

- A. If he has been found unsuited for his present position but may be expected to give satisfactory service in a lower paying position.
- B. If his position has been either abolished or reallocated to a lower pay scale and he cannot be transferred to a position of equal pay. Under such circumstances it shall be clearly indicated on all papers prepared in connection with the demotion that the transaction in no way reflects on the employee's performance or ability, except as indicated in paragraph one.

3. When positions become vacant, persons presently employed by the school district will, if qualified, receive due consideration. As positions become officially open, the vacancies will be posted on the hall bulletin board in the central office building of each school. Non-certified staff as well as the general public are welcome to inspect bulletin boards at any time during office hours.

Legal References:

None

Policy Name: SUSPENSION AND DISMISSAL

Policy Code: GCK

Date Adopted: 4-8-2003

An employee of the Dermott School District may be suspended by the superintendent from duty for disciplinary reasons pending investigation of charges which, if substantial, will result in dismissal. The employee will be provided written notice within two (2) school days of the suspension.

Legal References:

None

Policy Name: Reduction in Classified Staff Work Force

Policy Code: GCKA

REDUCTION IN FORCE

Should a lack of student or funds necessitate the termination of current non-certified personnel in a given area, the criteria of “leave longevity” within the school system will be used. Total years of service to the district shall include non-continuous years of service, in other words, an employee who left the district and returned later will have the total year of service counted, from all periods of employment. The board shall attempt to give as much advance notice of such termination as possible in writing and every effort will be made to place personnel in another position in the school system for which he/she is qualified.

If an employee is non-renewed under this policy, he or she shall be offered an opportunity to fill a vacancy for which he or she is qualified for a period of up to two years. The non-renewed employee shall be recalled in reverse order of layoff to any position for which he or she is qualified. Notice of vacancies to non-renewed employees shall be by certified mail, and they shall have 10 working days from the date of that the notification is received in which to accept the offer of a position. A lack of response or a non-renewed employee’s refusal of a position shall end the district’s obligation to replace the laid-off employee.

Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all employees will be brought into compliance by a partial RIF if necessary, with the receiving district’s salary schedule. Further adjustments will be made if lengths of contract or job assignments change. A partial RIF may also be conducted in conjunction with any job reassignment whether or not it is conducted in relation to an annexation or consolidation.

Legal Reference: A.C.A. ~ 6-17-2407

Date Adopted: August 8, 2002

Date Revised: May 10, 2007

Policy Name: TENURE

Policy Code: GCL

Date Adopted: 8-8-2002

The Dermott School District does not grant tenure to classified personnel.

Legal References:

None

Policy Name: TRANSFER-CLASSIFIED PERSONNEL Policy Code: GCM

Date Adopted: 8-8-2002

It shall be the policy of the school board that the Superintendent is authorized to complete transfers as follows:

1. Employees shall be transferred within the organization as is practical to utilize their highest skills.
2. When transfers of personnel are necessitated by organizational changes, every effort shall be made to avoid reductions in pay.
3. In making transfers within the organization, due consideration shall be given to the desires of the employee involved.

Legal References:

Ark. Stat. Ann. §§80-1234

Policy Name: SEPARATION

Policy Code: GCN

Date Adopted: 8-8-2002

DISMISSAL PROCEDURES

1. General Statements.

- A. The board recognizes that the continued employment of an employee may not be in the best interest of the school system. In order to insure that dismissal proceedings will result in minimum harm to everyone concerned and fair and impartial treatment of the employee, the dismissal policies and procedures listed below have been adopted.
- B. The board shall endeavor to conform with state laws which are intended to insure that persons employed in the public schools of Arkansas are provided fair, reasonable and uniform procedures regarding termination or renewal of employment.

2. Corrective and Dismissal Policies.

- A. Efforts shall be made to see that employees are successful in their position. Each person in the administrative organization, including board members, shall have the responsibility of developing the effectiveness of the employees under his/her immediate supervision.

- B. If an administrator is unable to develop an employee to the point where re-employment can be recommended, the administrator shall follow the approved procedures for dismissal.
- C. Each higher administrative official shall review cases of recommended dismissal is unjustified, he or she shall attempt to work the matter out with the employee concerned. If the official then favors the dismissal, he or she shall present reasons to his or her immediate supervisor.
- D. In accordance with state law, the board shall make the final decision on dismissal cases.

Page 1 of 3

Continuation 1

Policy Code: GCN

- E. When a supervisor recognizes that an employee has some weakness or is rendering inefficient and incompetent service, the supervisor is required to have a conference with the employee in order to discuss the problem its possible solutions.
- F. Immediately following the conference, the supervisor shall make a written report in triplicate on 8 1/2 x 11 paper; one copy shall be retained by the supervisor, one shall be sent to the superintendent. The employee and supervisor shall be asked to sign the report. If the employee refuses, such refusal shall be noted on the form.
- G. The employee may write up his or her own analysis of the situation, sending one copy to the supervisor and one copy to the superintendent. If the employee does write an analysis, the superintendent shall assume that the employee agrees with the supervisor's report.
- H. Not less than four weeks after the first conference, a second conference shall be held with the supervisor and the employee, with reports subsequently made as described below.
- I. No later than May 1 of the school term, the supervisor shall have a final conference with the employee about the problem, with reports following as described above. After this conference, the supervisor shall notify the superintendent whether the supervisor's recommendation is for renewal of contract

or non-renewal of contract.

- J. If the supervisor recommends that the employee's contract not be renewed, or that the contract be renewed under other than normal conditions, the superintendent shall notify the employee in writing of the proposed recommendations shall be made to the board.

K. Upon notification by the superintendent the employee shall have the opportunity to request

a conference with superintendent and/or a hearing before the board. A special board meeting will be called if the employee requests it.

Page 2 of 3

Continuation 2

Policy Code: GCN

- L. Both the employee and the board reserve the right to be represented by legal counsel in the matter.

M. The above sequence of steps concerning appraisal and/or dismissal of Employees shall apply to all employees and their supervisors. and should be followed without fail.

Legal Reference:

Act 631 of 1`991; Act 1199 of 1997

Page 3 of 3

Policy Name: TIME PERIOD IN WHICH NON-CERTIFIED Policy Code: GCNA
PUBLIC SCHOOL EMPLOYEES MAY AND RECEIVE A
HEARING TO APPEAL SUSPENSION, TERMINATION OR
NON-RENEWAL DECISIONS

Date Adopted: 4-8-2003

It shall be the policy of the Board of Directors that a notice shall be sent to all non-certified school employees who are being recommended for termination or non-renewal.

- F. The notice shall state that an employee being recommended for termination, or a full-time non-probationary employee being recommended for non-renewal, is entitled to a hearing before the school board upon request, provided such request is made in writing to the superintendent within twenty-five (25) calendar days from receipt of said notice.
- G. A suspension notice shall include a statement of reasons for the suspension, whether the superintendent is recommending termination, and that a hearing before the school board is available upon request, provided that such request is made in writing to the superintendent within twenty-five (25) calendar days from receipt of said notice.
- H. Upon receipt of a request for a hearing, the board shall conduct a hearing in

accordance with the following provisions:

- A. The hearing shall take place not less than five (5) or more than ten (10) days after the written request has been received by the superintendent, except that the employee and the board may, in writing, agree to an earlier or later hearing date.
- B. The hearing shall be public or private at the request of the employee.

Legal References:

Act 1314 of 1999

Policy Code: RESIGNATIONS

Policy Code: GCO

Date Adopted: 8-8-2002

A non-certified employee shall have the privilege of resigning from the school system upon thirty (30) days notice.

It shall be necessary for a non-certified employee who resigns to furnish his/her supervisor with evidence of satisfactory completion of all records up-to-date on which his/her resignation becomes effective; otherwise his/her final pay check will be held until all reports have been made satisfactory.

Legal References:

None.

Policy Name: RE-EMPLOYMENT

Policy Code: GCP

Date Adopted: 8-8-2002

Non-certified employees contracts will normally be acted upon at the last meeting in April. All officers to renew contracts will expire if not signed and returned to the Superintendent's office within thirty (30) days of issue.

If an occasion arises whereby the non-renewal of a non-certified employee appears necessary, the superintendent shall conduct an investigation for the purpose of determining the relevant facts.

If the recommendation is found to be warranted, the employee shall be informed in writing that a recommendation of non-renewal of his/her contract will be presented to the board.

Legal References:

None

Policy Name: RETIREMENT	Policy Code: GCQ
CLASSIFIED PERSONNEL	
	Date Adopted: 01-13-04

Employees shall be allowed to work so long as they show satisfactory work in their position and are physically and mentally capable of carrying out the responsibilities of their position.

The Dermott School District will pay for accumulated unused sick leave days when non-certified personnel who have been employed with the district retires through the Arkansas Teacher Retirement System/Public Employees Retirement and is no longer employed with the district. The rate of pay will be calculated across the board at a rate of \$35.00 per unused sick days to become retroactive the 2003-2004 school year. This would be paid to the retiring employee at the end of the final contracted school year.

Legal References:

Act 653 of 1989; Act 794 of 1989

<u>Policy Name: SEX DISCRIMINATION/HARASSMENT</u>	<u>Policy Code:GCR</u>
<u>OF STUDENTS</u>	<u>(Also GBRAA)</u>

Date Adopted: 8-8-2002

Sexual harassment and other forms of sexual discrimination , is a form of employee misconduct that undermines the integrity of the employee-student relationship. All students must be allowed to pursue their education in an environment free from unsolicited and unwelcome sexual overtures.

Sexual harassment does not refer to occasional; compliments. It refers to behavior that is not welcome, that is personally offensive, that debilitates student morale, and that therefore interferes with the study habits of its victims and their fellow students. Sexual harassment may include actions such as:

- C. Verbal sex-oriented “kidding”, insults, or subtle pressure for sexual activity.
- D. Physical contact such as patting, pinching, or constant brushing against another’s body.
- E. Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning a student’s academic status.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against a student on the basis of conduct not related to class performance, such as the taking or refusal to take student action, including passing of students who submit to sexual advances or

refusal to pass students who resist or protest sexual overtures.

In fulfilling our obligation to maintain a positive and productive educational environment, the board and District officials will make every attempt to halt any harassment of which they become aware by calling attention to this policy or by direct disciplinary action, if necessary.

Act 265 of 1993, makes it a Class C felony for a school employee to commit sexual abuse of a minor on school property, on property adjacent to the school or any other property used for school purposes, or during the time the minor is under the care or supervision of the person.

Legal References:

U. S. Supreme Court, Title IX of the Education Amendment of 1972, Act 265 of 1993.

Policy Name: CLASSIFIED PERSONNEL Policy Code: GCRA
HEALTH EXAMINATION (Also GBRA)

Date Adopted: 4-8-2003

It shall be the policy of the school board that all non-professional personnel to provide the following as employment requirements:

A. A chest x-ray or T.B. skin test is required upon employment.

Legal References:

&80-1210, 80-1211, 1973, Act 97, 1977, Act 59, 1979; Act 640 of 1989

Policy Name: DRUG FREE WORKPLACE Policy Code: GCRAA

Date Adopted: 8-8-2002

In an effort to create a healthy environment for student and staff members, and in compliance with provisions of Public Law 101-226, the Dermott School board prohibits the possession, use, or distribution of illegal drugs and/or alcohol by its employees on school district property or as a part of any school activity.

The illegal manufacture, distribution, dispensation, possession or use of narcotics, drugs, alcohol, or controlled substances during working hours, school activities or on school district property constitutes conduct unbecoming an employee and is prohibited. An employee shall not report to work or work after having used any prohibited drug. Compliance with this violation will be subject to disciplinary action, up to and including discharge.

Compliance with the standards of conduct stated in this policy is mandatory of

all employees. Violations of any part of this policy may result in disciplinary action, including suspension and termination. If the situation warrants, the superintendent shall communicate all available information promptly to the proper law enforcement agency(ies) and offer full cooperation of the Dermott School District in an investigation.

Employees are encouraged to seek treatment and/or counseling for drug problems. The Dermott School District will not assume any expenses incurred in counseling or attendance in a drug/alcohol program.

Legal References:

The Drug-Free School & Communities Act of 1989, P. L. 101-26

Policy Name: DRUG AND ALCOHOL TESTING Policy Code: GCRAF
FOR BUS DRIVERS

Date Adopted: 8-8-2003

- I. **PURPOSE:** To establish guidelines for a drug and alcohol program for bus drivers, or any employee required to transport students by school bus.
- II. **PERSONNEL AFFECTED:** Bus drivers or any employee who transports student by school bus.

PROGRAM OVERVIEW

- 1. The safety and security of the Dermott Public School District employees and students will be maintained as a high priority. The influence or use of drugs, including alcohol, is capable of threatening the safety of students and employees and cannot be tolerated. The Dermott Public School District is committed to providing a drug-free work environment for the safety of students and employees.

2. The possession, use, transfer, or sale of alcohol and/or any illegal drug during the work day is strictly prohibited and will result in termination. Being under the influence of alcohol and/or any illegal drug during the work day is also strictly prohibited and will result in termination.

DEFINITIONS

1. Abuse and/or untimely use of alcohol.
Having an alcohol concentration in the blood or breath of 0.04 percent or greater or having an alcohol concentration in the blood or breath in any amount or degree when coupled with impairment of the employees' ability to safely, properly and effectively perform his/her assigned duties.
2. Drug
Any substance (Other than alcohol) that has known mind or function-altering effects on a human subject, specifically including any psychoactive substance and including but not limited to, controlled substances.
3. Controlled Substances
Has the meaning assigned by the Federal Government and includes all substances listed in the Federal Regulations pertaining to school bus drivers as they may be revised from time to time.

Page 1 of 6

Continuation 1

Policy Code: GCRAF

4. Abuse and/or untimely use of controlled substances and/or drugs.
 - A. Testing positive for the presence of any drugs in the body at or above the lowest cutoff level as established by the analytical methods used by the testing laboratory as approved by the district.
5. Drug Screener/Collector
____ The person responsible for collection of specimens under this program.
6. Drug Program Facilitator

The Superintendent of Schools or his designee will be responsible for the

administration of this program.

7. Work Day

The time beginning when a employee reports for work until the employee finishes work and leaves district property (including any rest and lunch breaks) or any time an employee is traveling on district business.

8. At Fault

Person responsible or who caused the accident and determined at fault by law enforcement investigation report or from an investigation conducted by the district.

TESTING CONDITIONS

2. All Applicants.

All applicants for jobs covered by this program will be required to undergo drug and/or alcohol screening prior to their employment. The applicant will pay the cost of the test. Confirmed presence of alcohol, illegal drugs or a controlled substance, without adequate explanation, will result in the applicant not being eligible for employment.

Page 2 of 6

Continuation	2	Policy	Code:
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GCRAF

3. Random

- a. To maintain the district's priority of assuring the safety, health and well-being of students, employees and the traveling public, the district retains the right to randomly test for alcohol, controlled substances and illegal drugs on all employees who are covered by this program.
- b. Random alcohol testing shall be administered at a minimum annual rate of 25 percent of the average number of driver positions.
- c. Random controlled substances and/or illegal drugs testing shall be

administered at minimum annual rate of 50 percent of the average number of driver positions.

- d. The district shall ensure that employees selected for random alcohol and/or controlled substances tests are unannounced and spread reasonably throughout the calendar year.
- e. The district shall ensure that employees selected for random alcohol and/or controlled substance test proceed immediately to the testing site upon notification of being selected.
- f. An employee shall only be tested for alcohol while the employee is operating a vehicle owned, rented or leased by the district. Immediately prior to operating or immediately after operating said vehicle.

4. Reasonable Suspicion

- a. The Drug Program Facilitator or a district administrator who has reasonable suspicion that an employee under his supervision is guilty of abuse and/or untimely use of alcohol and abuse and/or untimely use of controlled substances and/or drugs may require the employee to undergo a drug and/or alcohol test. Reasonable suspicion may be based, among other things, on an employee's observed behavior which is indicative of drug or alcohol use, possession or use of drugs and/or alcohol.
- b. The Drug Program Facilitator or the employee's immediate supervisor will follow the following process in cases where he reasonably suspects abuse and/or untimely use of alcohol or abuse and/or untimely use of controlled substances and/or drugs:

Page 3

of 6

Continuation 3

Policy Code: GCRAF

- (1) Solicit an explanation from the employee for any behavior which creates a reasonable suspicion of a violation of this program.

- (2) If the employee cannot satisfactorily explain the behavior, the supervisor may request the employee to undergo a drug and/or alcohol test.
- c. A confirmed positive test, without an adequate explanation, will result in termination.

EMPLOYEE ACCIDENT-RELATED

The district will require an employee to undergo drug and/or alcohol testing when involved in an accident while operating a school bus owned, leased or rented by the district. A confirmed positive test, without an adequate explanation, will result in termination.

EMPLOYEE REFUSAL

Refusal to take the test immediately, or failure to cooperate fully as requested during the testing procedure will be considered as being an act of insubordination and will result in termination.

EXPLANATION AND RECONFIRMATION

Both applicants and employees may provide a written explanation for their positive test results and request reconfirmation of their original sample at their expense.

EMPLOYEE NOTIFICATION

All employees and job applicants will be advised of the district Drug Testing Program. Notice of the program will be posted on employee bulletin boards and copies of the program will be made available to job applicants and employees to review.

EMPLOYEE APPEAL

Any employee may appeal his/her discharge or other disciplinary action taken under this policy. Any employee may appeal his/her discharge or any other disciplinary action to the extent and in the manner such appeal is authorized by board policy or appropriate law.

TESTING TIME FOR EMPLOYEES

All employees who are subject to drug and/or alcohol testing will be tested FOR during the work day at a time designated by the Drug Program Facilitator or a district administrator, except in such cases as this policy requires employees to be tested for cause or as a result of an accident, where upon the Drug Program Facilitator or a district administrator may conduct testing at any time. Job applicants will receive no compensation for testing.

USE OF AUTHORIZED DRUGS

Prior to the start of their work, employees must report their use of any prescription and/or over-the-counter drugs which may impair job performance or safety of others to their department head of Drug Program Facilitates. It is the employees responsibility to determine from his/her physician wether or not the prescribed drug would impair his/her job performance. When reporting such use, the employee must present the drug container with prescription and/or the full label on it. All prescriptions provide medical authorization when requested. Failure to do so may be grounds for discharge. Employees reporting their use of authorized drugs may be temporarily reassigned to an existing vacant position or be required to take leave with or without pay until the use is discontinued. Each instance will be evaluated on its individual merits. Paid leave may be charged to sick leave and/or current vacation time if either is available.

EMPLOYEE ASSISTANCE

Employees who have an alcohol, drug or controlled substance problem are encouraged to seek assistance. All supervisors, the Directors of Transportation, the superintendent or his designee are available for assistance.

CONFIDENTIALITY

The district realizes the legal need for strict confidentiality as it relates to test

results. Confidentiality applies to all information relating to the employee drug testing, results and treatment, and no person other than necessary management will have access to drug testing results.

Page 5 of 6

Continuation 5

Policy Code: GCRAF

An employee may waive the confidentiality of the drug test. To waive confidentiality of the drug screening test, he/she must give a written letter of authorization to the district.

RECORD MAINTENANCE

It will be the responsibility of the superintendent or his designee to see that all drug and/or alcohol test records resulting from the testing of district employees for drug and/or alcohol abuse are properly stored. All such records will be maintained for a period of not less than five years.

Legal References:

Omnibus Transportation Employee Testing Act of 1991; Drug-Free Workplace Act of 1988; 21 CFR, Parts 1301-1306, Schedules I-V, Ark. St. Stat. 75-1450-75-1460.

Page 6

of 6

Policy Name: WORKMAN'S COMPENSATION Policy Code: GCRA

Date Adopted: 8-8-2002

1. Workmen's Compensation.
 - A. All district employees are covered by Workmen's Compensation.
 - B. If an employee is injured while performing an assignment, he or she shall report the injury to his or her supervisor in order to initiate a claim with the Workmen's Compensation Commission.
2. The district carries a school district's legal liability policy which covers wrongful acts of board members and school employees performed in the

discharge of school district duties. Coverage applies to those losses which the district becomes legally liable to pay. (Refer to policy for specific details of coverage and exclusions.)

Legal Reference:

None

Policy Name: TIME SCHEDULES

Policy Code: GARB

CLASSIFIED PERSONNEL

Date Adopted: 8-8-2002

Hours of work of all employees shall be determined by the Superintendent of Schools. Beginning and ending hours for maintenance and custodial employees may vary during different seasons, but an eight hour day, five days each week, during a calendar month, shall be the basic work month.

Each supervisor will file monthly with the business manager, the absentee cards on hand for each employee under his/her supervision.

Legal Reference:

None

Policy Name: WORK LOAD

Policy Code: GCC

Date Adopted: 8-8-2002

The Board shall hold the administration responsible for the equitable distribution of work among the members of the classified staff.

Full-time employees must work a minimum of twenty-five (25) hours per week.

Legal References:

None

Policy Name: CLASSIFIED PERSONNEL Policy Code: GCRD
OVERTIME PAY

Arkansas Code Ann. 6-17-2203 requires school districts to increase the minimum hourly rate paid to full-time classified school employees by a percentage equal to the percentage increase of the consumer price index (CPI).

This legislation only applies to full-time classified school employees.

The minimum hourly rate for all full time classified school employees for the 2015-2016 school year is \$8.32.

Adopted August 2022---Aligned with ASBA Model Policies

Policy Name: OVERTIME PAY
(Non-certified)

Policy code: GCRDA

Date Adopted: 8-8-2002

The basic work week for most full-time non-certified employees, except for food service workers and instructional aides, shall be forty (40) hours per week. Work time is set by the employee's immediate supervisor, as approved by the superintendent. Work hours may vary according to employee and position.

No non-certified employee shall be permitted to work more than forty (40) hours during any given week unless authorized by the employee's immediate supervisor and approved by the superintendent.

Full approval must be given prior to any over time work above and beyond the forty (40) hours per week.

Legal Reference:

None

Policy Name: TRAVEL REIMBURSEMENT

Policy Code: GCRE

(Cf.GBRF)

Date Adopted: 8-8-2002

The Board of Education authorizes the reimbursement of classified personnel for travel expenses incurred as a requirement of their jobs. Reimbursement may be made for travel which is at the request of, or has received prior approval from, the superintendent and said employee's immediate supervisor. Such reimbursement shall be at a rate as set by the board in accordance with established procedures. Prior approval for all travel shall be obtained before any travel expenses can be

Adopted August 2022---Aligned with ASBA Model Policies

incurred.

Legal References:

None

Policy Name: OUTSIDE EMPLOYMENT

Policy Code: GCRF

Date Adopted: 8-8-2002

If an employee has a job outside of and in addition to his or her school job, and if that outside job interferes with the employee's performance of his or her school duties, such conflict or interference will be discussed by the employee's supervisor and superintendent, and may be brought before the board for further discussion.

Legal References:

None

Policy Name: LEAVES AND ABSENCES

Policy Code: GCRG

Date Adopted: June 14, 2007

1. Personal Leave
 - A. Each employee will be granted two (2) days of personal leave provided he/she works a minimum of twenty (20) hours per week.
 - B. Arrangements should be made at least two (2) days in advance with the employee's immediate supervisor.

Adopted August 2022---Aligned with ASBA Model Policies

- C. Requests will not be honored for time off on the days before or after holidays or during semester exams.
 - D. Personal leave may accumulate for up to six days.
 - E. In the event all sick leave is used, personal leave can be used for sick leave.
2. General
- A. After a non-certified employee has used all days of personal and sick leave, he/she will not be paid for any days missed. A day's salary is considered to be the annual contract divided by contracted days.
 - B. Each employee will be asked to sign a sheet for each day of work missed, indication reason for absence.

Date Revised: June 14, 2007

Policy Name: JURY DUTY OR COURT APPEARANCE LEAVE Policy Code: GCRGA
Date Adopted: 4-8-2003

Jury and voting time will be allowed without counting against personal or sick leave.

Legal Reference:

None

Policy Name: LEAVES & ABSENCES
SICK LEAVE FOR CLASSIFIED EMPLOYEES

Policy Code: GCRGB

Date Adopted: 01-13-04

The Board of Education shall grant to each school employee in the school district sick leave at the rate of one (1) day per month or major portion thereof that the employee is employed at full pay. School employee shall be defined as those persons classified as non-certified employees and work not less than twenty (20)

Adopted August 2022---Aligned with ASBA Model Policies

hours per week.

School employees shall only be allowed such leave for the reasons of personal illness in the employee's immediate family.

The board shall maintain a record of sick leave used and accumulated for each school employee. Sick leave days not used by a school employee shall be credited to the employee up to a maximum of 90 days. An employee taking sick leave may use any amount up to his total number of accumulated days. District employees who are husband and wife may each utilize the other's accumulated sick leave.

The superintendent may require a statement from a medical doctor or other acceptable proof that the employee was unable to work to the end that there will be no abuse of sick leave privileges. The superintendent shall require a physician's verification of sick leave when absence exceeds three (3) continuous days or when absence indicates need for verification.

If an employee resigns or leaves his employment position for any reason before the end of the school term, the board may deduct from salary payment full compensation for any days of sick leave in excess of the number of days earned.

Act 391 of 1979 makes no provision for transferring sick leave from one district to another.

Illness should be reported to the supervisor at least one hour before the normal beginning of the working day.

Cont.

Policy Code: GCRGB

Any non-certified employee who accumulates ninety (90) sick days will be compensated for the number of unused sick days above the ninety (90) at a rate of \$50.00 per day. (This will be paid in the last payment of the contract year retroactive

the beginning of the 2016-2017 school year.

Incentive Pay

If the classified personnel misses,

0 days -----\$400.00

1 day-----\$300.00

2 days-----\$200.00

3 days -----\$100.00

This proposal is for missing only sick or personal days. This payment will be made at the end of the school year.

Policy Name: ACQUIRED IMMUNE DEFICIENCY
SYNDROME (AIDS)

Policy Code: GCRGBA

Date Adopted: 8-8-2002

_____ It shall be the policy of the Dermott School District that:

- A. All employees who are infected with AIDS will continue their employment and regular assignment in conformance with the Americans with Disabilities Act.
- B. Information about AIDS and Other Communicable Diseases to School Personnel
 - (a) In-service to all personnel will be provided by appropriate HIV/AIDS trained personnel who may seek information and resources from community, public and private health providers. Such in-service may include a discussion of local district policies, etiology of the disease, prevention, and community resources for referral and information. Periodic updates will be provided through additional in-service and memoranda.
 - (b) School personnel will have specific instruction about the risks of communicable diseases, such as AIDS and hepatitis, incorporated into instruction on substance abuse and use.

Legal References:

Americans With Disabilities Act

Policy Name: Classified Staff-Sick Leave Bank

Policy Code: GCRGBAA

DESCRIPTION OF SICK LEAVE BANK

The Sick Leave Bank is set up to help members in extreme emergencies, such as open heart surgery, terminal cancer, extensive cancer treatment, organ transplants, or when other catastrophic illnesses or disabilities occur to the member or to a member's family as defined in Policy GCRGB (Sick Leave Policy). Routine parental leave does not qualify for borrowing.

A member shall not be granted any days from the Sick Leave Bank until all his/her own sick leave is depleted. The member must use all personal days before requesting days from the Sick Leave Bank. All twelve (12) month employees must also use all their vacation days before making a request. A member may not request more than a maximum of ten (10) days per contract year.

A. ELIGIBILITY

1. The Sick Leave Bank is to be set up for the non-certified employees of the Dermott School District.
2. To participate, the employee must contribute one (1) day of sick leave to the Sick Leave Bank when he/she becomes a member.
3. An employee has the opportunity to become a member by enrolling before October 1. An employee may become a member in subsequent years by enrolling between August 25 and September 10. At such time, he/she will be assessed one (1) day. New employees, hired during the year, may become a member at the time of employment. He/she will be assessed one (1) day at this time.

B. MAINTENANCE

1. Members will be assessed for days when the Sick Leave Bank has reached a point of near depletion.
2. Members will donate only one (1) day at a time.

Continuation 1

Policy Code: GCRGBAA

3. Days assessed cannot be returned to employees and will be carried forward in the Sick Leave Bank.

4. A member utilizing sick leave days from the bank shall not have to replace those days except as a regular contributing member.
5. If the bank falls below 20 days, assessment will be made at the beginning of the year. All members will be notified each time when they are assessed a sick day. After the first assessment, further assessments in that same year will not be on a volunteer basis by members.
6. If a member elects not to participate during any given year, they must resign in writing before a day is assessed or they will lose that day. If a member wishes to rejoin Sick Bank, they will be considered a new member and will not be eligible to request days from the sick bank until their second consecutive year of membership in the bank.
7. If a member is not able to contribute a day when the assessment is made at the beginning of the year, the member will become ineligible for the rest of the year and will need to rejoin at the beginning of the next year.
8. Members of the sick bank shall remain members unless at the time of an assessment.
 - A. they decline to give to the sick bank
 - B. they are unable to give a day to the bank
9. If a member has been granted two consecutive years sick bank days, they will not be allowed to request sick days the third year. This applies to continuing (uninterrupted) membership. They would again be eligible after that year.

C. ADMINISTRATION

1. Personnel Policy Committee shall oversee the administration of the Sick Leave Bank with the assistance of the Superintendent.
2. The district central office will keep the records of the Sick Leave Bank.
3. The Personnel Policy Committee will determine the need for activation of the Sick Leave Bank, upon receipt of a Sick Leave request form. This form is to be submitted to the Personnel policy Committee chairperson or the Central office by the employee or his/her representative, if the employee is unable to do so. The application must be accompanied by a physician's statement. (Request form should be submitted at or near depletion of accumulated sick leave and before payroll deduction is made)
4. Upon receipt of application, the Committee will call a meeting as soon as possible.

5. If the Personnel Policy Committee has questions concerning an application, the person submitting the application may be asked to meet with the Committee before a decision is made.

Per Act 40 of 1999, sick leave may be shared by the Dermott School District's certified and classified employees who are husband and wife.

Transfer of Days

Sick leave days may be transferred from employee to spouse as needed for the illness of the employee and/or the illness of immediate family member (or death of an immediate family member) see definition of immediate family

The transferred of days must be requested on the proper forms and must indicate the exact number of days requested in the transfer, along with the statement describing the need for the transfer.

Limitations

Extended sick leave days shall not be transferred. Only accrued days from prior years may be used. The employee must retain at least the current year's sick leave benefits in his/her own account. Days transferred from employee to spouse may not result in the receiving spouse having paid unused sick leave at the end of the year. Days transferred from employee to spouse may not result in the receiving spouse having paid unused sick leave upon retirement or resignation.

LICENSED EMPLOYEE SHARED SICK LEAVE

Employees may share sick leave days for illness by notifying the Superintendent in writing. The name of the employee to whom the sick leave is given and the number of days to be transferred shall be stated. Days shall be for illness of the employee or the illness of an immediate family member for extenuating circumstances. Days can only be given after employees has exhausted all days. Upon approval from the Superintendent, the request will be forwarded to the Payroll Manager. Requests must be made before payroll deadline for the current month.

Limitations:

Extended sick leave days shall not be transferred. Only accrued days from prior years may be used. The employees must retain at least the current year's sick leave benefits in his/her own account. Days transferred from employee to spouse may not result in the receiving spouse having paid unused sick leave at the end of the year. Days transferred from employee to spouse may not result in the receiving spouse having paid unused sick leave upon retirement or resignation. Days cannot be given to another employee upon retirement or resignation of an employee

Policy Name: MATERNITY LEAVE

Policy Code: GCRGC

Date Adopted: 8-8-2002

1. Maternity

- A. An employee who becomes pregnant will provide written notice to her supervisor and the superintendent of schools as soon as pregnancy has been medically determined.
- B. The pregnant employee must submit with such notice, a written statement from her physician which shall include the anticipated date of delivery, the date until which the pregnant employee is authorized by the physician to continue her job duties, the physician's comments as to whether or not any restrictions of her job activities are recommended and a commitment from the physician to notify the school authorities of any change in the patients condition which might affect her ability to perform her duties.
- C. The pregnant employee shall normally be permitted to continue her employment until the date authorized by her physician; but the district may review the employee's job performance during a pregnancy, may request a supplemental statement from the physician as to the patient's current physical condition; and, in the event the school authorities conclude that the employee's job performance is unsatisfactory because of her physical condition, the employee may be required to leave employment at an earlier date.
- D. If a pregnant employee uses more than her accumulated sick leave days and/or personal leave days during her absence from the job, no guarantee will be given the employee of being able to return to her regular job or to

any other job in the district. This, however, may be left to the discretion of the school superintendent.

Legal Reference:

None

Policy Name: CLASSIFIED PERSONNEL

Policy Code: GCRGD

MILITARY LEAVE

Date Adopted:8-8-2002

A school employee who is a member of the Arkansas National Guard or reserve branches of the armed forces will be granted leave at the rate of fifteen (15) days in any one (1) calendar year for military duty. It will accumulate in the succeeding calendar year until it total fifteen (15) days at the beginning of the calendar year. Leave will be granted without loss of pay in addition to regular vacation time. The classified personnel will be responsible for paying the cost of any substitute employed in their absence.

An employee who is drafted or called to active duty in the armed forces or who volunteers for military service shall be placed on extended leave without pay and upon application, in ninety (90) days after his/her release, shall be reinstated to the position vacated or its equivalent with no loss of seniority or any other benefits or privileges of employment.

An employee who enlists or re-enlists for a second consecutive term of military duty forfeits his re-employment rights. Personnel called to duty forfeits his re-employment rights. Personnel called to duty in emergency situations by the Governor or President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave is in addition to regular vacation time.

Legal References:

Act 586 of 1989; REVISED: June 27, 1989.

Policy Name: VACATION & HOLIDAYS Policy Code: GCRH

Date Adopted: 8-8-2002

- A. Employees who work eleven months or less per year will not be granted paid vacation time.
- B. Twelve month employees will have two weeks of paid vacation. If however, the employee chooses a week with a paid holiday in it, the employee “**may**” not be allowed to take another day in its place.

Legal Reference:

None

Policy Name: CONFERENCES & VISITATIONS Policy Code: GCRHB

Date Adopted: 8-8-2002

The Board of Education authorizes the Superintendent of Schools or his/her representatives to grant non-certified personnel time to engage in program activities related to the goals and needs of the school district without pay deductions. The number of absences allowable for such activities shall be at the discretion of the superintendent.

Leave time shall be for job related purposes. The employee shall receive full salary for absences necessitated by attendance at program related meetings which have been approved by the principal and Superintendent of Schools.

Legal References:

none

Policy Name: PERSONAL LEAVES ABSENCES Policy Code: GCRI
(NON-CERTIFIED)

Date Adopted:4-8-2003

It shall be the policy of the board of Directors that:

The following holidays will be observed and twelve (12) month employees will receive pay for:

- A. July 4th (one day)
- B. Labor Day (one day)
- C. Thanksgiving Day (one day)
- D. Christmas Day (one day)
- E. New Year's Day (one day)
- F. Memorial Day (one day)

A Total of Six (6) days

Legal References:

None

Policy Name:
STAFF HEALTH & SAFETY; SMOKING

Policy Code: GCRKA
(also GBRAD)

Date: Adopted: April 8, 2003

Smoking or the use of tobacco, or product containing tobacco in any form, in or on any property owned or leased by the district, including buses or other school vehicles, is prohibited. This prohibition extends to anyone attending school sponsored events on campus and to students and staff attending school sponsored events off campus. The school principal and/or his designees(s) shall be responsible for enforcing this policy.

The district, and school sponsored organization(s) choosing to use district facilities shall not advertise tobacco products in any manner in school buildings, in or on school vehicles, at school functions, or in school publications allowed to be distributed on school property or at school functions whether on or off school property.

Additional forms of advertising which are forbidden are promotional sponsorships and giveaways enter into in conjunction with the tobacco industry, tobacco related gear or paraphernalia, and clothing promoting tobacco or tobacco product. While on district property or attending district/school sponsored events off district property, no student may wear clothing which promotes tobacco or tobacco products.

The superintendent or his/her designee shall notify students, families, visitors, and district staff and contractors of this policy. Such notifications shall be through student handbooks, newsletters, newspaper articles, and district postings as well as the PTA, meetings and sports events. The district shall influence community opinion against tobacco use by utilizing local media. It is important that in communications concerning this policy, the district stress that the policy will be strictly enforced.

To help promote a tobacco free workplace and lifestyle for students and employees, the district shall establish a tobacco awareness program. Students and employees shall be informed of the addictive nature of tobacco and its hazards to the health of both the user and those individuals in the vicinity of the user.

Employees shall be informed of the dangers of tobacco at staff meeting (With the possible exception of those individuals responsible for teaching health education, this does not count towards professional development) and be given sufficient information to be fully aware of the consequences of tobacco use.

Students shall be presented with tobacco prevention education in all grades at a level appropriate to their grade. The tobacco education program shall be integrated into the general health education program and designed to:

Instruct about immediate and long-term undesirable physiological, cosmetic, and social consequences of tobacco use,

Decrease the social acceptability of tobacco use;

Address reasons why young people smoke;

Teach how to recognize and refute advertising and other social influences that promote tobacco use,

Develop students' skills for resisting social influences that promote tobacco use; and
Develop necessary assertiveness, communication, goal-setting, and problem-solving skills that may enable students to avoid tobacco use and other health-risk behaviors.

The district shall inform students, staff and family members about tobacco cessation programs available within the community and surrounding areas and provide information regarding how to contact such programs. School counselors and community agencies are encouraged to establish voluntary tobacco cessation programs at their schools.

(Page 2 of 2)

This policy shall be subject to periodic and formal review by the district board of directors in consultation with students, staff, and community members.

Visitors found using tobacco products shall be informed of this policy and asked to cease their use of such products. Visitors who refuse shall be asked to leave the school campus or activity. Principals are authorized to seek the assistance of law enforcement officers in removing visitors who refuse to leave voluntarily.

Students who use tobacco in violation of this policy shall be subject to consequences as outlined by the student handbook.

Staff members who use tobacco in violation of this policy shall be subject to the following consequences:

First offense:	Verbal warning
Second offense:	Written reprimand
Third offense:	Suspension without pay for one day
Fourth offense:	Suspension without pay for two days
Fifth offense:	Termination

Alleged offenses shall be reported to the accused personnel's immediate supervisor. Immediately the supervisor will investigate the report and take appropriate action depending on the state law and this policy. Any report of alleged offenses must be in writing, signed, and given to the accused personnel's immediate supervisor.

Legal Reference: A.C.A. § 6-21-609

Date Approved:

Date Revised: May 10, 2007

Adopted August 2022---Aligned with ASBA Model Policies

Policy Name: GRIEVANCE

Policy Code: GCS

Date Adopted: August 8, 2002

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this district.

Definitions

Grievance: a claim or concern relate to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school district. Other matters for which the means of resolution are provided or foreclosed by statute or administration procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor or directing, instructing, reprimanding, or “writing up” an employee under his/her supervision. A group of employees who have the same grievance may file a group grievance.

Group Grievance: A grievance may be filed as a group grievance if it meets the following criteria: (meaning the criteria does not ensure that the subject of the grievance is, in fact, grievable)

1. More than one individual has interest in the matter, and
2. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and
3. The group has designated an employee spokesperson to meet with administration and/or the board; and
4. All individuals within the group are requesting the same relief

Employee: any person employed under a written contract by this school district.

Immediate Supervisor: the person immediately superior to an employee who directs and supervises the work of that employee.

Working day: Any weekday other than an holiday whether of not the employee under the provisions of their contract is scheduled to work or whether they are currently under contract.

Process

Level One: An employee who believes that he/she has a grievance shall inform that employee’s immediate supervisor that the employee has a potential grievance and discuss the matter with the supervisor within five working days of the occurrence of the grievance. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family represent at their conference. (The five-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within five working days following the conference, the matter will be considered resolved and the employees shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the immediate supervisor, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within five

working days of the discussion with the immediate supervisor, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form which he/she will submit to the building principal or, in the event that the employee's immediate supervisor is the building principal, the superintendent.

Level Two (when appeal is to the building principal): Upon receipt of a Level Two Grievance Form, the superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Level Three: If the proper recipient of the Level Two Grievance was the building principal, and the employee remains unsatisfied with written response to the grievance, the employee may advance the grievance to the superintendent by submitting a copy of the Level Two Grievance Form and the principal's reply to the superintendent within five working days of his/her receipt of the principal's reply. The superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Appeal to the Board of Directors: An employee who remains unsatisfied b the written response of the superintendent may appeal the superintendent's decision to the Board of Education within five working days of his/her receipt of the Superintendent's written response by submitting a written request for a board hearing to the superintendent. If the grievance is not appealed to the Board of Directors within five working days of his/her receipt of the superintendent's response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The school board will address the grievance at the next regular meeting of the school board, unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the superintendent's reply, the bard will decide if the grievance, on its face, is grievable under district policy.

Date Revised: May 10, 2007

8.19---- LEVEL TWO GRIEVANCE FORM- NONCERTIFIED

Name_____

Date submitted to supervisor_____

Noncertified Personnel Policy grievance is based upon:

Grievance (be specific):_____

What would resolve your grievance?

Sponsor's Response:

Date submitted to recipient:

Date Adopted:

CLASSIFIED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

Definitions

“Attribute” means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

“Bullying” means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

- Physical harm to a public school employee or student or damage to the public school employee's or student's property;
- Substantial interference with a student's education or with a public school employee's role in education;
- A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
- Substantial disruption of the orderly operation of the school or educational environment;

Examples of “Bullying” include, but are not limited to, a pattern of behavior involving one or more of the following:

1. Cyberbullying;
2. Sarcastic comments “compliments” about another student’s personal appearance or actual or perceived attributes,
3. Pointed questions intended to embarrass or humiliate,
4. Mocking, taunting or belittling,
5. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
6. Demeaning humor relating to a student’s actual or perceived attributes,
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
8. Blocking access to school property or facilities,
9. Deliberate physical contact or injury to person or property,
10. Stealing or hiding books or belongings,
11. Threats of harm to student(s), possessions, or others,
12. Sexual harassment, as governed by policy 8.20, is also a form of bullying, and/or

Adopted August 2022---Aligned with ASBA Model Policies

13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: “Slut”, “You are so gay.”, “Fag”, “Queer”).

“Cyberbullying” means any form of communication by electronic act that is sent with the purpose to:

- Harass, intimidate, humiliate, ridicule, defame, or threaten a student, school employee, or person with whom the other student or school employee is associated; or
- Incite violence towards a student, school employee, or person with whom the other student or school employee is associated.

Cyberbullying of School Employees includes, but is not limited to:

- a. Building a fake profile or website of the employee;
- b. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
- c. Posting an original or edited image of the school employee on the Internet;
- d. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
- e. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
- f. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
- g. Signing up a school employee for a pornographic Internet site; or
- h. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

“Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

“Substantial disruption” means without limitation that any one or more of the following occur as a result of the bullying:

- Necessary cessation of instruction or educational activities;
- Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
- Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
- Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the building principal, or designee, as soon as possible.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

District staff are required to help enforce implementation of the district's anti-bullying policy. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops. Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the building principal. The report may be made anonymously.

A building principal, or designee, who receives a credible report or complaint of bullying shall:

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
 - a. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
 - b. Prepare a written report of the alleged incident of bullying;
2. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
3. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the alleged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
4. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
 - a. That a credible report or complaint of bullying against their student exists;
 - b. Whether the investigation found the credible report or complaint of bullying to be true;
 - c. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
 - d. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
5. Make a written record of the investigation, which shall include:
 - a. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
 - b. Any action taken as a result of the investigation; and

6. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

District employees are held to a high standard of professionalism, especially when it comes to employee-student interactions. Actions by a District employee towards a student that would constitute bullying if the act had been performed by a student shall result in disciplinary action, up to and including termination. This policy governs bullying directed towards students and is not applicable to adult on adult interactions. Therefore, this policy does not apply to interactions between employees. Employees may report workplace conflicts to their supervisor.¹ In addition to any disciplinary actions, the District shall take appropriate steps to remedy the effects resulting from bullying.

Notes: This policy is similar to Policy 3.38. If you change this policy, review 3.38 at the same time to ensure applicable consistency between the two.

A school employee who has reported violations under the school district's policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

[DESE has created a guidance document on bullying that could be useful in developing staff and student training on bullying. The document can be found at https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention.](https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention)

Legal References: A.C.A. § 6-18-514
 DESE Rules Governing Student Discipline and School Safety

Date Adopted:
Last Revised:

CLASSIFIED PERSONNEL EMPLOYMENT

All prospective employees must fill out an application form provided by the District, in addition to any resume provided; all of the information provided is to be placed in the personnel file of those employed.

If the employee provides false or misleading information, or if he/she withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee's application information is discovered to be other than as was represented by the employee, either in writing on application materials or in the form of representations made to the school district.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.¹ All classified

employees shall complete, at District expense, a criminal records background check and Child Maltreatment Central Registry check at least one (1) time every five (5) years.

An employee who receives notification of a failure to pass a criminal background check or a true result on the Child Maltreatment Central Registry check shall have thirty (30) days following the notification to submit to the superintendent, or designee, a written request for a hearing before the Board to request a waiver. The written request should include any documentation, such as police reports, or other materials that are related to the event giving rise to the failed background check or true result on the Child Maltreatment Registry as well as information supporting your request for the waiver. Employees requesting a board hearing to request a waiver should be aware that this hearing is subject to the Arkansas Freedom of Information Act and it must be fully open to the public as a result.

For unlicensed individuals employed as teachers or administrators under a waiver, all teachers who begin employment in the 2023-2024 school year and each school year thereafter shall demonstrate proficiency or awareness in knowledge and practices in scientific reading instruction as is applicable to their teaching position by completing the prescribed proficiency or awareness in knowledge and practices of the scientific reading instruction credential either as a condition of licensure or within one (1) year for teachers who are already licensed or employed as a teacher under a waiver from licensure.²

Before the superintendent may make a recommendation to the Board that an individual be hired by the District, the superintendent shall check the Arkansas Educator Licensure System to determine if the individual has a currently suspended or revoked teaching license or a current Level 3 or Level 4 public notification of ethics violation. An individual with a currently suspended license or whose license has been revoked by the State Board of Education is not eligible to be employed by the District; this prohibition includes employment as a substitute teacher, whether directly employed by the District or providing substitute teaching services under contract with an outside entity. An individual with a current Level 3 or Level 4 public notification of ethics violation shall not be recommended for employment by the District.

The District is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, age, disability, or genetic information.³

Inquiries on non-discrimination may be directed to Mrs. Arneice Gardner who may be reached at (870)-538-1000 ext 1401.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided above. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

For further information on notice of non-discrimination or to file a complaint, visit <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

In accordance with Arkansas law⁶, the District provides a veteran preference to applicants who qualify for one of the following categories:

1. A veteran without a service-connected disability;
2. A veteran with a service-connected disability; and
3. A deceased veteran's spouse who is unmarried throughout the hiring process.

For purposes of this policy, "veteran" is defined as:

- a. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
- b. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veteran's preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, **as applicable**, to the employment application:
 - Form DD-214 indicating honorable discharge;
 - A letter dated within the last six months from the applicant's command indicating years of service in the National Guard or Reserve Forces as well as the applicant's current status;
 - Marriage license;
 - Death certificate;
 - Disability letter from the Veteran's Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

CLASSIFIED PERSONNEL SEXUAL HARASSMENT

The Dermott School District is committed to providing an academic and work environment that treats all students and employees with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational and work environment and will not be tolerated.

The District believes the best policy to create an educational and work environment free from sexual harassment is prevention; therefore, the District shall provide informational materials and training to

students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- The nature of sexual harassment;
- The District's written procedures governing the formal complaint grievance process;¹
- The process for submitting a formal complaint of sexual harassment;
- That the district does not tolerate sexual harassment;
- That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sexual harassment; and
- The potential discipline for perpetrating sexual harassment.

Definitions

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

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

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee:
 - a. Conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;² or
 - b. Uses the rejection of unwelcome sexual conduct as the basis for academic decisions affecting that individual;²
2. The conduct is:
 - a. Unwelcome; and
 - b. 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 education program or activity; or
3. Constitutes:
 - a. Sexual assault;
 - b. Dating violence
 - c. Domestic violence; or
 - d. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the District's education

Adopted August 2022---Aligned with ASBA Model Policies

program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; and employees and non-employees.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person's alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students or employees as to sexual activity or performance;
- Circulating or showing e-mails or Web sites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Employees who believe they have been subjected to sexual harassment are encouraged to submit a report to their immediate supervisor, an administrator, or the Title IX coordinator. Under no circumstances shall an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the sexual harassment. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;

- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

Supportive Measures

The District shall offer supportive measures to ~~both~~ the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

Formal Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - ✚ The identities of the parties involved in the incident, if known;
 - ✚ The conduct allegedly constituting sexual harassment; and
 - ✚ The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
- That the District's personnel policies and code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one

respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
 - Whether obtained from a party or other source,;
 - The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10)³ days prior to completion of the investigative report, the District shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)³ days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties’ inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

- Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- Provide each party with the answers;
- Allow for additional, limited follow-up questions from each party; and
- Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

No earlier than ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. site visits;
 - d. Methods used to gather other evidence,; and
 - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's personnel policies or code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's personnel policies or code of conduct.

Adopted August 2022---Aligned with ASBA Model Policies

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

Appeals

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- d. An appeal of the disciplinary sanctions from the initial determination.⁴

For all appeals, the District shall:

- 1. Notify the other party in writing when an appeal is filed;
- 2. Simultaneously Provide all parties a written copy of the District's procedures governing the appeal process;
- 3. Implement appeal procedures equally for both parties;
- 4. Ensure that the decision-maker⁵ for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- 5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 6. Issue a written decision describing the result of the appeal and the rationale for the result; and
- 7. Provide the written decision simultaneously to both parties.

Confidentiality

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.⁵

Except as listed above, the District shall keep confidential the identity of:

- ✚ Any individual who has made a report or complaint of sex discrimination;
- ✚ Any individual who has made a report or filed a formal complaint of sexual harassment;
- ✚ Any complainant;
- ✚ Any individual who has been reported to be the perpetrator of sex discrimination;
- ✚ Any respondent; and
- ✚ Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

Administrative Leave⁶

The District may place a non-student employee respondent on administrative leave during the pendency of the District's grievance process.

Retaliation Prohibited

Employees who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for personnel policy violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

Disciplinary Sanctions

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any employee who is found by the evidence to more likely than not⁷ have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Employees who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including termination. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

Records

The District shall maintain the following records for a minimum of seven (7) years:

- Each sexual harassment investigation including:
- Any determination regarding responsibility;

Adopted August 2022---Aligned with ASBA Model Policies

- any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
 - The basis for the District's conclusion that its response was not deliberately indifferent; and
 - Document:
 - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Legal References: 20 USC 1681 et seq.
 34 C.F.R. Part 106
 A.C.A. § 6-15-1005
 A.C.A. § 6-18-502
 A.C.A. § 12-18-102

Date Adopted:
 Last Revised:

CLASSIFIED PERSONNEL CODE OF CONDUCT

Definitions

“Insubordination” means the willful disregard of a supervisor's instructions or the refusal to obey a lawful order from a supervisor. Insubordination does not mean the refusal to follow an order from a supervisor that would violate Federal or state law; Federal regulations; state rules; or a court order.

“Sexual harassment” means conduct on the basis of sex that may not reach the definition of sexual harassment under Policy 8.20 but is nevertheless inappropriate within the education setting. Examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Sexual grooming;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person's alleged sexual activities;
- Discussions of sexual experiences;

- Rating, ranking, or assessing students or other employees as to:
 - Physical attractiveness;
 - Sexual activity or performance; or
 - Sexual preference;
- Circulating or showing e-mails or Web sites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Employee actions that meet the definitions within this policy are prohibited.

In recognition of the level of trust placed in District employees, the duty of care District employees have towards their charges, and the need for District employees to model appropriate behavior for their charges, the District has, and will continue to hold, its employees to a high standard of behavior. Employees whose actions are determined to be in violation of the provisions of this policy, another personnel policy, the Division of Elementary and Secondary Education Rules Governing the Code of Ethics for Arkansas Educators¹, or criminal conduct that statutorily prohibits employment by a school district may be recommended for discipline up to and including termination of the employee's contract for employment. In addition to other forms of discipline, conduct in violation of the Rules may be reported to the Professional Licensure Standards Board¹.

Legal References: A.C.A. § 6-17-301
 A.C.A. § 6-17-414
 A.C.A. § 6-17-415
 A.C.A. § 6-17-1701 et seq.
 DESE Rules Governing the Code of Ethics for Arkansas Educators

Date Adopted:
 Last Revised: