

MEMORANDUM

To: Board of Trustees

Twin Falls School District 411

From: Eva Craner, Director of Public Relations

Re: Policy Updates

Date: August 6, 2018

Second Reading:

Administration recommended Changes:

5401P Sick Leave and Sick Leave Bank

5402 Personal Leave

5404 Bereavement Leave

ISBA Updates:

2580 Use of Animals in Educational Programs

5470 Military Leave (Replaces current policy 5471)

Leave that qualifies as sick leave is:

- 1) Absence prescribed by a physician for medical or diagnostic tests.
- 2) Absence due to death in the immediate family (limited to seven (7) days), when not taken as bereavement leave. The term immediate family will be interpreted as ~~parent, spouse, child, grandparent, brother, sister, uncle, aunt, or immediate in-law~~ **child, spouse, significant other, parents, parents-in-law, siblings, grandparents, and grandchildren**. (See Policy 5900, CBA, for bereavement leave for certified employees; Policy 5404 for bereavement leave for non-certified employees)
- 3) The superintendent may make judgments in favor of or denial of the use of sick leave by a district employee due to illness of a loved one whose relationship is not covered by exact policy language.

Sick Leave Banks

The Twin Falls School District currently maintains three (3) sick leave banks. These are the Administrator Sick Leave Bank (ASLB), the Certified Sick Leave Bank (CSLB), and the Non-Certified Sick Leave Bank (NCSLB). The Certified Sick Leave Bank is found in the current Collective Bargaining agreement. The ASLB is as follows:

- 1) Each administrative employee of the District may participate in the ASLB. A minimum initial contribution of two (2) sick leave days prior to November 1 will be required to become a Sick Leave Bank member. A threshold of (50) days will be established in the Sick Leave Bank. When the total days available in the Sick Leave Bank falls below fifty (50) the Sick Leave Bank Committee will equally assess each member additional days required to reestablish the fifty (50) day threshold.

Sick leave days contributed will be deducted from the individual's previously accumulated sick leave. The contributed sick leave days will form a bank of sick leave days that will be available to all eligible administrators whose absence from work is due to illness or injury extending beyond their available sick leave.

- 2) In order for an administrator to be eligible for sick leave benefits from the ASLB he or she must:
 - a. Be a contributor to the Bank,
 - b. Be absent from work due to illness or accident, and
 - c. Have used all accumulated sick leave and personal leave.

All requests for use of the Bank will be related to illness or injury occurring after membership in the Bank.

- 3) Application for use of the Bank will be submitted to the ASLB Committee (ASLBC), comprised of the superintendent or designee, and two (2) district administrators appointed by the superintendent. The Committee will review the request and determine if the administrator is eligible to use the ASLB. If the Committee deems necessary, proof of illness may be required at the time of application and periodically during the granted period.
- 4) The ASLBC will have the authority to establish operational procedures necessary to implement this program. After a complete review of the application, the Committee will have the authority to make final decisions as to the disposition of the applicant's request within established operational procedures.
- 5) The maximum number of days that may be granted in any 12-month period will be the remaining number of days an administrator is contracted to work during that 12-month period, not to exceed sixty (60) days.
- 6) For the purpose of determining continuing eligibility for sick leave bank days the SLBC will calculate the 12-month period immediately preceding the commencement of the leave as the 12-month period measured forward from the date the employee first takes sick leave bank days. If the administrator does not use all of the days granted by the ASLBC the unused sick leave days will be returned to the Bank.

The Non-Certified Sick Leave Bank is as follows:

- 1) Each employee working at least four (4) hours per day in the District may participate in the NCSLB. After six (6) months of service each employee is eligible to enroll in the NCLSB. A minimum initial contribution of two (2) sick leave days is required to enroll in the Bank. Contributions will be made from the employee's sick leave accumulated to date. The length of work day will be used for comparable contribution to and withdrawal from the Bank. For example, an employee working a four (4) hour day would contribute four (4) hour days, entitling him or her to withdraw, when granted, four (4) hour days from the bank. The same will follow for employees working six (6), seven (7) or eight (8) hour days.

An employee will have been employed for a minimum of six (6) months and have accumulated a minimum of four (4) sick leave days before being eligible for the NCSLB. It is the employee's responsibility to enroll in the Bank upon the six-month employment anniversary, plus or minus 10 days. If the employee fails to enroll on his or her six-month anniversary, he or she will be provided opportunity to enroll during the annual open enrollment period.

- 2) In order for an employee to be eligible for sick leave benefits from the NCSLB, he or she must:
 - a. Be a contributor to the Bank,
 - b. Be absent from work due to accident or illness, and
 - c. Have used all of his or her accumulated sick, personal, and vacation leave.

All requests for use of the Bank will be related to illness or injury occurring after membership in the Bank.

- 3) Application for use of the NCSLB will be made to the NCSLB Committee (NCSLBC), consisting of two (2) administrators and two (2) employees appointed by the superintendent. The Committee will review requests and determine employee eligibility. If the Committee deems necessary, proof of illness may be required at the time of application and periodically during the granted period.
- 4) The NCSLBC will have the authority to establish operational procedures necessary to implement this program. After complete review of the application, the Committee will have the authority to make final decisions as to the disposition of the request within the parameters of the operational procedures.
- 5) The maximum number of days that may be granted in any one 12-month period will not exceed 60 days.
- 6) A threshold of four-hundred (400) days will be established in the NCSLB. If the total falls below the threshold, the Committee will equally assess each member the appropriate number of days to re-establish the minimum four-hundred (400) days. Sick days thus contributed will be deducted from each individuals accumulated sick leave.

If an employee wishes to discontinue participation in the NCSLB he or she must notify the Human Resources Department in writing. When membership has been discontinued, employees cannot withdraw days previously contributed.

- 7) For the purpose of determining continuing eligibility for sick leave bank days the NCSLBC will calculate the 12-month period immediately preceding the commencement of the leave as the 12-month period measured forward from the date the employee first takes sick leave bank days. If an employee does not use all of the days granted from the Bank, the unused sick leave days will be returned to the Bank.

Procedure History:

Adopted on:

TFSD

Revised on: 10/8/12

8/11/14

6/13/16

Certified Employees

See Collective Bargaining Agreement (Policy 5900) and Policy 5805.

Non-Certified Employees

Non-certified employees may receive up to a total of three (3) days leave for personal business each fiscal work year. Employees not using their personal leave will be paid fifty percent (50%) of their daily wage for each day not used. Non-certified employees will have the option of carrying forward four unused personal leave days.

The request for personal leave must be made to the non-certified employee's immediate supervisor and personal leave with pay may be granted contingent upon a suitable substitute being available and/or if the immediate supervisor determines that the non-certified employee's absence will not cause an undue burden upon the educational system of the district.

If an employee does not have seven days available for the school year, an additional day may be purchased at the current year certified guest teacher rate, or the employee's daily rate, whichever is less. No more than seven personal leave days may be used in one school year. Purchased personal leave days may not be rolled over to the next school year.

Personal leave will be limited to extenuating circumstances during the first two weeks of school, the last two weeks of school, or two days immediately preceding or following a school vacation

LEGAL REFERENCE: ADOPTED:

12/09/07 AMENDED: 12/08/08
07/14/09
09/10/12
6/13/16

In the event of a death in the non-certified employee's immediate family the district will provide three (3) bereavement days **for up to two occurrences** during the school year. Additionally, non-certified employees may also use sick leave to an amount not to exceed seven (7) days per instance. The term immediate family will be interpreted as parent, mother/father in-law, spouse/domestic partner, children, grandchildren, grandparent, brother, sister, brother/sister in-law, uncle, aunt. Unusual cases not included herein may be brought to the attention of the superintendent of schools for consideration.

Policy History:

ADOPTED: 12/08/08

TFSD

AMENDED: 9/10/12

8/11/14

1/8/18

Use of Animals in Educational Programs

Animals may be brought into the school setting for educational purposes only in accordance with the policies of the District and the procedures established by the Superintendent and/or building principal with regard to the presence of animals.

This policy does not apply to service animals. Students', guests', and/or employees' use of service animals is handled in accordance with applicable state and federal laws and District Policy. Likewise Police and SRO K-9 use is handled in accordance with applicable school search policies and regulations.

To protect students and staff, the following applies to animals brought into the school facilities for educational purposes. The District's Superintendent and/or building principal may place additional guidelines or restrictions upon the presence of specific animals in the school setting. Further, the presence of any animal, whether regularly or periodically housed in a classroom or brought into the school for an isolated or singular visit, requires timely pre-approval from the building principal.

Animals Regularly or Periodically Housed in Classrooms

1. No animal shall be housed in any school classroom without pre-approval of the building principal.
 - A. A classroom teacher seeking to house an animal in the classroom shall annually submit such request in writing explaining the educational purpose of having an animal(s) in the classroom setting. A request must be provided for all animals to be housed in a classroom.
 - B. The teacher signing this request application is responsible for assuming primary responsibility for the animal and shall be designated as the animal's supervising teacher.
2. The supervising teacher who has been granted permission to house (an) animal(s) in the classroom shall provide formal classroom instruction to students regarding sanitation in the handling of animals and shall require all individuals handling animals to subsequently wash his or her hands thoroughly with soap and water.
3. Any student handling any animal must be directly supervised by the supervising teacher.
 - A. Only the supervising teacher or students designated by the supervising teacher may handle a classroom animal.

B. Handling of any animals should be age appropriate, considering the disease-related risks of certain animals (i.e. hamsters, guinea pigs, and gerbils – Salmonella bacteria and Lymphocytic choriomeningitis virus; reptiles and amphibians - Salmonella bacteria; farm animals – E. coli, Salmonella, Campylobacter and Cryptosporidium).

C. Should any student or employee be injured, including but not limited to animal bites or scratches, associated with the handling of a classroom animal, the supervising teacher is responsible for immediately reporting such event, in writing, to the building principal and assuring the student or employee is directed to the school's office for appropriate medical care.

1. If appropriate, a District accident/injury report will be completed.
2. The school's personnel shall notify the student's parent/guardian.
3. If appropriate, personnel shall notify public health officials.
4. At no time shall any student be exposed to an inherently dangerous animal or any animal which due to size, nature, or aggression could cause injury to a student.

4. Animals shall be handled humanely and in a healthy environment. If animals are to be kept in the classroom on days when classes are not in session, the supervising teacher shall be responsible for making arrangements for their care and safety.

5. Animals shall be displayed in enclosed cages or tanks or under otherwise appropriate restraints.

A. Cleaning any enclosure, cage, tank/aquarium, or other holding enclosure for any classroom animal or otherwise coming into contact with the materials that have been removed from any cleaned enclosure, cage, tank, aquarium, or other holding enclosure should be age appropriate, voluntary and at the discretion of the supervising teacher.

6. Animals must be clean and free of intestinal parasites, fleas, ticks and mites.

7. Animals shall not be brought in or obtained from the wild. If sought by the building principal, the supervising teacher shall provide proof of purchase or proof of transfer of the animal in question.

8. Animals maintained in a school classroom shall not have access to or contact with wild animals.

9. Classroom animals shall not be permitted to freely roam about any classroom or other area of the school.

10. No animal shall be allowed in any area of the school where food or drink is prepared.

11. Absent pre-approval from the Building principal, food for animals must be stored in air-tight closed containers, preferably hard plastic.

A. The supervising teacher and the building principal shall, at the time the animal comes into the school setting, confer as to the manner and method of feeding of such animal.

B. The supervising teacher shall agree with the directive of feeding of the animal or the animal shall not be permitted to be present at school.

12. The supervising teacher shall be responsible for the proper cleaning and disinfection of any area in which the animal is present.

A. The supervising teacher shall be responsible for the disposal of animal waste, using appropriate plastic bags and disposable gloves and sanitary cleansers.

13. Prior to the animal being brought into the classroom, the supervising teacher is responsible for assuring that no special permits, licenses, or other requirements (i.e. health/medical certification or examinations) are necessary to own and house the animal. If a permit, license, or other requirement does exist associated with the animal, it is solely the supervising teacher's responsibility comply with such requirements and to provide the building principal with a copy of documentation assuring compliance. Any animal not in compliance shall not be brought into the school's setting. Any health care records associated with the animal shall be maintained in the classroom and is the responsibility of the supervising teacher.

14. No animal shall be transported on any school bus.

Visiting Animals to the Schools

1. As part of an educational program, there may be isolated instances in which an animal is brought into the school's setting. Prior to any such animal coming into the school setting, approval must be obtained from the building principal.

2. The animal's owner agrees to hold the District, its employees, and agents harmless for any injury to the animal, including death, and any injury to any individual, including the handler, school staff, or school student.

Animal Dissection and Experiments

1. Experiments on living animals are prohibited; however, behavior studies that do not impair and animal's health or safety are permissible only after having obtained written pre-approval from the building principal.

A. In order to obtain principal approval, the classroom teacher must submit a written request providing details as to the behavior study to be conducted, the manner and details of the study, and how the health and welfare of students and the animal will be safeguarded.

- A. Such request shall be submitted no later than five school days prior to the desired start of the behavior study.
2. The dissection of dead animals or parts of dead animals shall be allowed in a classroom only when the dissection exercise contributes to or is part of the approved educational program of the classroom.
 - A. All dissection of animals and the parts of dissected animals shall be confined to the classroom.
 - B. Students who object to performing, participating in, or observing the dissection of animals shall be excused from the classroom during such educational activity without penalty, discipline, or negative impact upon the student's grade. Alternate projects will be assigned to any such non-participating student.

Prohibited Animals

1. Regardless of the desired educational purpose, the following live animals are prohibited in any school facility, for any time or purpose:
 - A. Inherently dangerous animals;
 - B. Any venomous or toxin producing animals;
 - C. Aggressive or unpredictable animals;
 - D. Stray animals;
 - E. Mammals at high risk for having or transmitting rabies; and
 - F. Any animal on the Idaho Invasive Species List for which proper state permitting and documentation of ownership has not been obtained prior to classroom housing (i.e. Snapping Turtle, Red Eared Slider, Mediterranean Gecko, Brahminy Blind Snake, Monk Parakeet, and Nutria).
2. The building principal may prohibit any animal from being present upon the school's property on a case by case basis.

Cross Reference: 2340 Controversial Issues and Academic Freedom
 2345 Speakers in the Classroom and at School Functions
 2375 Service Animals in Schools
 3370 Searches and Seizure

Legal Reference: I.C. § 33-6001 Parental Rights

Policy History:

Adopted on:

Revised on:

Leaves of Absence - Military Leave

General Policy

All District employees, other than those who are employed on a temporary basis, are entitled to military leave of absence when ordered to active duty for training as members of the Idaho National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted, or are ordered to extended active duty with any component of the U.S. Armed Forces, shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

The District shall notify each employee entitled to rights and benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA) of their rights, benefits, and obligations under USERRA and those of the District.

Notice to District

All employees will provide written and oral notice of upcoming military training to the District as soon as reasonably practical. The employee or an appropriate officer of the branch of military in which the employee will serve may provide the notice. Employees who are ordered for such duty will provide one copy of their orders to the Superintendent. Notice will include date of departure and date of return for purposes of military training 90 days prior to the date of departure.

Military Leave for Training or Short Term Duty

Employees who are required to attend active duty, inactive-duty training, funeral honors duty, or field or coast defense training as a Reserve of the armed forces or member of the National Guard shall not suffer any loss of salary, seniority, or efficiency rating during the first 15 work days of such absence in any fiscal year. Leave will be without loss of benefits.

In the case of a part-time employee, military leave for training or short-term duty shall accrue at a rate of 15 days per year multiplied by a percentage determined by dividing by 40 the number of hours in the regularly scheduled workweek of that employee during that fiscal year. Unused leave shall accumulate until it totals 15 days.

Completion of Military Training

Upon completion of military training, the employee shall give evidence of the satisfactory completion of such training immediately thereafter. The employee shall be restored to his or her previous or similar position with the same status, pay, vacation leave, sick leave, bonus,

advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

Benefits for Uniformed Service Personnel On Active Duty

Salary: **(Note: Federal law does not require an employer to pay the salary of an employee on military leave except as specified in “Military Leave for Training or Short Term Duty” above.)**

Pension and Retirement Plans

Pension and retirement plans are considered a benefit to which reinstated employees are entitled. Any normal contributions will continue to be made for service members who are absent for 90 days or fewer. If the employee has been absent for military service for 91 days or more, the District may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

Medical Insurance

Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee’s military service is for 31 days to 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the District for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The District’s obligation to provide health benefits ends once an employee’s military leave exceeds 24 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had he or she not been absent for military service.

Reporting to District Once Military Leave is Complete

The standard military service length and reporting times are:

1 to 30 Days of Military Service: The employee reports to the District by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.

31 to 180 Days of Military Service: The employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14th day falls on a day when the District’s offices are not open or available to accept a reemployment application, the time extends to the next business day.

181 Days or More of Military Service: The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90th day falls on a

day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.

Cases of Disability: Employees who are hospitalized or recovering from a disability that was incurred or aggravated during the period of military service leave have up to two years to submit an application for reemployment.

There is an exception to these guidelines for those employees who, through no fault of their own, find themselves in a situation that makes it impossible or unreasonable to meet the required timetables. In those cases the employee must return to work as soon as possible.

Disqualification From Returning to Work

There are four conditions that disqualify an employee from exercising his or her right to reemployment after military service:

1. A dishonorable or bad conduct discharge;
2. Separation from the service under "other than honorable conditions";
3. A commissioned officer's dismissal via court martial or by order of the President; and
4. When a service member has been dropped from the rolls for being absent without authority or for civilian imprisonment.

Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or are called to active duty for extended periods will be placed on "Military Leave of Absence" upon written application and will be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release; and
2. They must report to claim reinstatement within the timelines specified under "Reporting to District Once Military Leave is Complete" above.

After an employee has been absent for 31 days or more of military service, the District may ask the employee or the employee's military unit for documentation showing that:

1. The employee submitted a timely application for reemployment;
2. The employee's length of military service has not exceeded the five year limitation; and
3. The employee's separation from the military service meets the requirement for reemployment.

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the employee was disabled while on military duty, or a disability is aggravated by military service, the District will make reasonable efforts to accommodate the disability

Legal Reference:	I.C. § 46-407	Militia and Military Affairs/Reemployment Rights
	I.C. § 46-224	Militia and Military Affairs/Entitled to Restoration of Position After Leave of Absence for Military Training
	I.C. § 46-225	Militia and Military Affairs/Vacation, Sick Leave, Bonus and Advancement Unaffected by Leave
	38 USC §§ 4301	Uniformed Services Employment and Reemployment Act (“USERRA”).
	5 USC § 6323	Military Leave; Reserves and National Guardsmen

Policy History:

Adopted on:

Revised on: