SECTION III: ROCK CREEK GRANT SCHOOL PERSONNEL POLICIES

SECTION 1 – EMPLOYMENT POLICIES.

Section 1.01 EQUAL OPPORTUNITY EMPLOYMENT, INDIAN PREFERENCE, AND VETERAN PREFERENCE.

Race, creed, color, national origin, religion, gender, age, marital status, disability, or prior civil rights activity will not be a factor in the hiring, assignment, reassignment, promotion, demotion, or dismissal of personnel, but Indian preference in employment, as set forth in 25 U.S.C. §450c(b), and Veteran preference, as set forth below, shall apply. The Board will take action to ensure that applicants are employed, assigned, re-assigned, and promoted, and retained regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation for training and employment opportunities under this contract and, to the extent feasible consistent with the efficient performance of this contract, training and employment preferences and opportunities shall be provided to enrolled members of federally recognized Tribes regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation who are not fully qualified to perform under this contract. Every available opportunity will be taken to assure that each applicant for a position is selected on the basis of qualifications, merit and ability, subject to this Indian preference policy.

The School shall also give preference in initial hiring to honorably discharged veterans of the armed Forces of the United States. In determining preference, the School shall assign a weight pointed factor selection system that assigns a value to the veteran status of the applicant. The weight pointed factor selection is as follows:

10 points: Veteran with Service related disability.
10 points: Veteran who has served in combat, or combat area.
5 points: Veteran who has not served in combat,

Veterans applying for veteran preference must provide a DD214 document to verify their eligibility for preference.

The Rock Creek Grant School Secretary shall coordinate Title IX and Section 504, Affirmative Action, and Americans with Disabilities Act
compliance activities. Any person who feels they have been discriminated against the basis of race, creed, color, national origin, religion, gender, age, marital status, disability, or prior civil rights activity shall file a written complaint with the School Principal for investigation within two (2) business days of the incident the complaint arise from. The Principal shall investigate all written complaints filed, and shall take appropriate disciplinary action regarding any substantiated complaint. If the complaint is against the Principal, the complaint shall be filed with the Chairman of the School Board for investigation and appropriate disciplinary action shall be taken by the Board on any substantiated complaint.

SECTION 2: STAFF DEVELOPMENT OPPORTUNITIES

The Principal is responsible for designing and presenting a Staff Development Plan to the Board annually for the review and approval of the Board. The Principal shall appoint a staff development committee to assist her/him. Membership on the committee shall be voluntary and representative of the school and community.

Employees shall be provided opportunities for the development of increased competence beyond what they may attain through the performance of their assigned duties under the Staff Development Plan. Programs shall be designed to meet the needs of personnel in areas of deficiency as identified through personnel evaluations and other performance indicators including but not limited to accreditation standards, and School Improvements plans.

SECTION 3: STAFF CONDUCT

Section 3.01 Staff Conflict of Interest

Employees will not engage in nor have a financial interest in any activity that poses a potential or actual conflict of interest with their duties and responsibilities.

Section 3.01.1 Definitions.

Personal financial gain, for purposes of this policy, is defined as: Financial benefit to the personnel or their immediate family.

Personal Conflict of Interest is defined as: A conflict involving personal relationships in which the employee or their employer determines on the
All suspensions will be not longer than ten (10) working days, unless the suspension results in a referral to social services or law enforcement for investigation, in which case the suspension will be no longer than necessary for those agencies to complete their investigation, and the Principal, or in the case the employee is the Principal, the School Board, is responsible for informing the employee of the reason for the suspension. Any suspension for any employee will be taken as leave without pay (LWOP), unless the School Board approves Suspension with pay. Any employee whose contract is not terminated and who is determined not to have engaged in serious misconduct who was on LWOP shall receive Pay for any period in which they were on LWOP status.

SECTION 9: STAFF PROTECTION POLICIES.

Section 9.01: Verbal or Physical Abuse.

Employees shall be afforded protection against physical and/or verbal abuse from students, other employees, Board members, members of the public, or from any other source. Verbal or physical abuse of personnel is strictly prohibited. Verbal abuse includes cussing, yelling, or degrading remarks.

Any employee who has been subjected to verbal or physical abuse shall report such abuse in writing to his/her Immediate Supervisor at the earliest possible time. If the incident involves the Immediate Supervisor, the employee shall report to the Principal. If the abuse involves the Principal, the employee shall report such abuse to the Board Secretary. The report shall be made within two (2) working days of alleged abuse.

Any employee who witness any abuse of another person by another employee, and fails to report such abuse to their Immediate Supervisor shall be subject to disciplinary action.

An employee shall follow the Grievance Policy regarding any alleged violation of this Policy by any School personnel.

Section 9.02: Sexual Harassment Policy.

It is the policy of the School, in accordance with providing a positive, discrimination-free school environment, that sexual harassment in the
School directed by or at employees is unacceptable conduct.

Section 9.02.01 Sexual harassment is defined as unsolicited, nonreciprocal behavior by staff or student which causes a student or employee to submit to unwelcome sexual words, conduct, behavior, or activity of any kind, or to fear that he or she would be punished for refusal to submit. Sexual harassment also includes any conduct unreasonably interfering with another's school attendance or school performance by creating an intimidating, hostile, or offensive school environment. Sexual harassment consists of a variety of behaviors by employees or students directed to students including, but not limited to, subtle pressure for sexual activity, inappropriate touching, inappropriate language, demands for sexual favors, and physical assault.

Other sexually harassing conduct in the school system is prohibited and includes:

1. Unwelcome sexual flirtations, touching, advances, or propositions;

2. Verbal abuse of a sexual nature, jokes or stories that the victim has previously or clearly communicated are unwelcome;

3. Graphic or suggestive comments about an individual's dress or body;

4. Sexually degrading words to describe an individual; and

5. The display of sexually suggestive objects or pictures, including photographs.

Section 9.02.02 Responsibility: Board members and employees are responsible for maintaining a learning environment free from sexual harassment.

Section 9.02.03: Procedure for Reporting and Investigating Complaints.

Any employee who believes she or he has been the victim of sexual harassment by another person on the School premises, during school hours, or at school related activities should report such incident immediately to their Immediate Supervisor in writing. If the complaint is regarding the conduct of the Immediate Supervisor, the complaint shall be filed with the
Principal. If the complaint is regarding the conduct of the Principal, the complaint shall be filed with the Board Secretary. If the complaint is regarding the conduct of a Board member, the complaint shall be filed with the Principal. Any employee who is not the Immediate Supervisor who receive a report of sexual harassment from another staff member shall document such report in writing to the Principal for investigation. An investigation shall be completed regarding said report. The school cannot take appropriate action if it does not receive notice of allegations of sexual harassment.

If an employee is disciplined due to sexual harassment, the employee may proceed with the established grievance procedures if he or she is dissatisfied.

False allegations that are malicious or ill-founded may constitute libel or slander. An investigation shall be completed regarding said false allegations. The individual who made the false allegations may be subject to discipline up to and including expulsion. The school will, however, insure that allegations, made in good faith by individuals shall not subject the complaining individual to discipline.

Any retaliation by any School personnel as a result of the filing of a complaint of sexual harassment is prohibited, and shall result in immediate disciplinary action up to and including termination. Retaliation shall be reported immediately in writing to the Principal, or if the retaliation complaint is against the Principal, it shall be reported to the Secretary of the School Board.

Any employee who witnesses any abuse of another person by another employee, and fails to report such abuse to their Immediate Supervisor shall be subject to disciplinary action.

**Section 10: MANAGEMENT OF PERSONNEL.**

**Section 10.01: Substitute Staff.**
The employment of substitutes will be managed by the Principal. Candidates selected will be recommended to the board for placement on the list of approved substitutes. To the extent possible substitutes must meet the requirements for the position and will be assigned substitute positions on the basis of their areas of competence.
Substitute employees shall be selected as needed from an approved list compiled and promulgated by the principal.

All substitute employees must complete an application form, be interviewed by the principal, and complete a one (1) day orientation.

Section 10.02: Student Teachers.
The Board may, by agreements with teacher preparation institutions, arrange for classroom experience in the school for practice of student teachers who have completed not less than two years of an approved teacher education program. Such practice teaching shall be provided with appropriate supervision by a fully qualified teacher under rules promulgated by the board.

Section 10.03: Para-educators.
In approving the employment of para-educators in the school, the Board believes that their services will permit:

1. Teachers more time to devote to actual instruction.
3. Wider use of audio-visual equipment in the classrooms.
4. Greater individualized attention for meeting student needs.
5. More effective group instruction.

The use of para-educators will be individually determined by the Principal. Official appointment to such a paid position will be made by the Board acting upon the Principal’s recommendation.

Under no circumstances will teacher assistants be given responsibility and duties which are properly or legally those of a regularly employed and certificated professional staff member.

SECTION 11: EMPLOYEE DRUG AND ALCOHOL USE/ABUSE TESTING

The Board will not tolerate the unlawful use, manufacture, possession, sale, distribution or being under the influence of alcohol and/or other drugs. Any employee who violates this policy will be subject to dismissal and referral for prosecution.
Drug-Free Workplace – The Rock Creek Grant School Board recognize that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills.

The Rock Creek Grant School Board and its employees share a commitment to create and maintain a drug-free workplace. The policy shall be to conduct drug testing for pre-employment and drug testing for employees three times during the school year. Also if there is reasonable suspicion, employees will be tested for drugs and alcohol.

Drugs and Alcohol Not Tolerated – The Rock Creek Grant School Board is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Compliance with Law – Provisions of the Federal Anti-Drug Act (41 U.S.C. 702) require federal grant recipients to establish a drug-free workplace. Employees are to be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations and compliance with the drug-free policy as a condition of employment. Employers are to inform employees of drug-free requirements through an awareness program.

**Section 11.01: Policy Goals and Objectives.**
The policy goals and objectives of the Rock Creek School District are to:

1. Establish, promote and maintain a safe, healthy work and learning environment for employees and students.
2. Aid employees that may be affected by drug or alcohol abuse in locating a rehabilitation program.
3. Promote the reputation of the Rock Creek School District and its employees as responsible citizens of public trust and employment.
4. Eliminate substance abuse problems in the workplace.
5. Aid in the reduction of absenteeism, tardiness and apathetic job performance.
6. Provide a clear standard of job performance for Rock Creek Grant School employees.
7. Provide a consistent model of substance-free behavior for students.

Section 11.02: Definitions.
For the purposes of this Policy:

Conviction means a finding of guilt, including a plea of no-contest, or imposition of sentence or both by judicial body charged with the responsibility to determine violations of the federal, state or tribal criminal drug statute.

Criminal Drug Law means a federal, state, or tribal criminal statute involving the manufacture, distribution, dispensing, and possession of any controlled substance.

Drug or illegal drug means a controlled substance as defined Schedules 1 through V section 202 of the Controlled Substance Act.

Illegal use of Drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substance Act (21 U.S.C. 812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substance Act.

Laboratory means a commercial laboratory contracted by the Rock Creek Grant School Board to conduct drug and alcohol screening and laboratory analysis, in accordance with the provisions of this policy.

Personnel Policies and Procedures means the Rock Creek Grant School Policy of which this section is a part.

Substance Abuse means the misuse or illicit use of alcohol, drugs, or controlled substances.

Section 11.03: Requirements for Employees.
Employees shall not be under any degree of intoxication or odor from alcohol, or under the influence of any controlled substance while on duty, or on Rock Creek Grant School District property, or in attendance at school-approved or school-related functions.
Employees shall not use or possess alcohol or controlled substances while on duty, or on Rock Creek School District property, or in attendance at school system-approved or school related functions. No drug that is illegal under Tribal law shall be exempted from this prohibition on drug and alcohol use as a prescription drug.

**Section 11.03.01: Prescription Drugs**

Employees shall not use or take prescription drugs above the level recommended by the prescribing physician; or use prescribed drugs for purpose other than those for which they are intended, while on duty or at any other time. No drug that is illegal under Tribal law shall be exempted from this prohibition on drug and alcohol use as a prescription drug.

**Section 11.03.02: Criminal Conviction**

Conviction of a criminal drug law involving the use of alcohol, prescription drugs or over-the-counter drugs constitutes a violation of this Policy, and shall result in disciplinary action in termination of employment.

**Section 11.04: Pre-employment Testing**

Pre-employment Test Required – All applicants being considered for employment positions with the Rock Creek School Board are required to submit to a urinalysis test for the detection of the illegal use of drugs prior to contract signing. Applicants will be given a copy in advance of hire. The Board of Commissioners shall also be subject to Testing under this part.

Procedures – Applicants will acknowledge in writing that they have read or had this Policy explained to them, and should understand that as a condition of employment they are subject to its contents. Drug test will be arranged at least one week prior to the start of school. *An applicant refusing or failing to complete any part of the drug testing procedure will not be considered a bona fide candidate for employment with the Rock Creek Grant School.* *Any applicant refusing or failing to complete any part of the drug testing procedure will not be permitted to re-apply for employment with the Rock Creek Grant School District for at least twelve months.* An applicant who tests positive will not be considered a bona fide candidate for employment. The applicant will not be permitted to reapply for employment for at least twelve months, and not until applicant shows proof of successful completion of a drug rehabilitation program,
regardless of whether they withdraw their application or resign the position prior to receiving notice of termination of employment.

Replicate Test, Revocation of Offer – If substance screening shows a confirmed positive result for which there is no current physician’s prescription, a replicate test shall be taken on original sample. A positive replicate test shall result in revocation of any offer of employment.

If an applicant misses a scheduled testing because of a medical emergency, or other emergency, the School may reschedule the test once within three (3) business days of the original test date. The Principal shall determine if there is a legitimate emergency that justifies rescheduling of a scheduled test.

Section 11.05: Reasonable Suspicion Testing.
Reasonable Suspicion Testing – when an Immediate Supervisor observes or is notified of behaviors or events that lead the supervisor to believe that an employee’s work performance or on-the-job behavior may be affected in any way by illegal drugs, alcohol, prescription drugs or over-the-counter drugs, or that an employee otherwise violated the Rock Creek School Board Drug Free Workplace Policy, the employee will be required to submit to a breath or urine sample for drug and alcohol testing.

The two types of cases for which reasonable suspicion procedure may be invoked according to this section are:

1. Chronic Case – A chronic case involved deteriorating job performance or changes in personal traits or characteristics where the use of alcohol or drugs may reasonably be suspended as the cause. These cases may develop over a fairly long period of time.

2. Acute Case – An acute case appears in a specific incident or observation that an individual is under the present influence of alcohol and drugs, or arises during the investigation of an accident where the use of alcohol or drugs may be reasonable suspected to have been a contribution case. Under an acute case, immediate action is necessary.

Only the Principal or the person authorized to act in the Principal’s absence are authorized to make the determination that reasonable cause or suspicion exists to order a drug or alcohol screen test, and to order a drug and alcohol
screen test. Such determination may be made based upon the recommendation of the Immediate Supervisor of the employee.

**Section 11.05.01: Refusal to Test.**
An employee who is required to submit to drug and alcohol testing based upon reasonable suspicion, and refuses to do so, shall be deemed insubordinate. The Principal shall recommend termination to the School Board in accordance with the applicable Personnel Policies and Procedures.

**Section 11.05.02: Positive Test – Termination.**
An employee who tests positive for alcohol or illegal drugs on a reasonable suspicion test will be in violation of this policy. Violation of this Policy will constitute grounds for termination in accordance with Personnel Policies and Procedures.

**Section 11.05.03: Factors for Reasonable Suspicion.**
The following factors shall be used to determine whether drug or alcohol screening shall be conducted:

1. Observed use, possession, or sale of illegal drugs, alcohol or prescription drugs.
2. Apparent physical state of impairment of motor functions
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably to be suspected or employee involvement in repetitive accidents.
5. Violation of criminal drug laws.

These factors apply to both chronic and acute cases.

The circumstances under which drug or alcohol screening may be considered on account of reasonable suspicion are strictly limited to employee conduct during working hours, or otherwise while on duty.

**Section 11.06: Laboratory.**
Drug and alcohol screening shall be conducted by Board-approved independent, certified laboratories utilizing recognized techniques and procedures. The procedures to be used are outlined in Part M of this Policy. A breath analysis shall be performed by a certified technician.
Section 11.07: Promotion or Transfer Testing Required.
When an employee applies for a new position in the Rock Creek Grant School District, the employee will be subject to drug testing in accordance with the procedures contained in this Policy, before the employee will be considered a bona fide candidate for that position. An employee who tests positive for illegal drugs or a promotion or transfer test will not longer be considered an applicant for that position. Such employee will also be in violation of this Policy, constituting ground for termination of employment.

Section 11.08: Withdrawal Prior to Scheduling Drug Testing.
An employee may withdraw the application for the position at any time prior to the scheduling of the drug testing. Once the promotion or transfer test has been scheduled, and the employee-applicant receives written notice, if they refuse to take the test they will be disqualified from consideration for the position and will be considered to be in violation of this Policy and subject to termination of employment.

Section 11.09: Disciplinary Action – Right to Replicate Test.
When the laboratory reports to the Principal that an individual has tested positive, the employee has the right to an immediate replicate test on original sample. If the result of the replicate test is positive, then the employment shall be terminated.

Section 11.10: Confidentiality.
Records that pertain to the drug-testing requirements of the Policy are confidential, private and sensitive records. The Rock Creek Grant School District shall not release this information to third parties, in accordance with law. Such records shall be maintained in a secure fashion to insure confidentiality and privacy. The Principal shall maintain any records under his control and custody in a secure fashion to insure the confidentiality and privacy. Medical and related records shall be maintained in accordance with applicable law.

Section 11.11: Drug and Alcohol Testing Procedures.
1. Role of Principal – The Principal of the Rock Creek Grant School has the overall responsibility for implementing this Policy and ensuring there is compliance with it.

2. Federal Procedures to be followed – The testing shall take place in
accordance with U.S. Department of Transportation procedures for Transportation Workplace Testing Programs, 49 CFR part 40, and in accordance with this policy.

3. All Board members and employees who are required to take a drug or alcohol test shall be notified in person (by phone is acceptable) not more than two (2) hours in advance of a scheduled test. If a Board member or employee (12) Any Board member or employ

Section 11.11.01: Positive Tests.
There shall be a review and interpretation of each positive test to determine if there is an alternative medical explanation for the positive test result. This shall include an interview with the individual, and a review of their medical history to determine if the positive result was caused by legally prescribed medication or by other factors. No drug that is illegal under Tribal law shall be exempted from this prohibition on drug and alcohol use as a prescription drug. The Medical Review Officer Manual of the U.S. Department of Health and Human Service shall be followed.

The test shall be deemed negative and no further action taken, if:

1. It is determined that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug or alcohol; or
2. It is concluded that a particular test is insufficient.

If it is determined that there is no legitimate explanation for the positive test other than the use of a prohibited drug or alcohol, the test results shall be communicated to the Principal as a positive test. The results of all negative results shall also be communicated with the Principal.

Section 11.11.02: Authorization for Testing.
When the person reports to the collection site, the drug and alcohol screening procedure will be explained and the person will be asked to assist completing any necessary authorization forms which will allow the test to be performed.

Section 11.11.03: Specimen Retention.
The laboratory will retain all specimens for a minimum period of one week. At such time, negative specimens will be discarded. Positive specimens will
be resealed and retained in a separate and secure area for a minimum of one year. Within this one year period, upon written request of the person tested or the Principal, the laboratory shall retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one year period, the sample may be discarded.

Section 11.11.04: Transfer.
Any transfer of the original specimen to another laboratory for reconfirmation of positive results will follow the chain of custody procedures described in the regulations contained in 49 CFR Part 40.

Section 11.11.05: Notification and Administrative Processing of Positive Results.
All analytical results, negative and positive, will be reported by the laboratory to the Principal within five days of receiving the specimens. When a test result is positive, there may be a review of the individual’s medical history, questionnaire, relevant biomedical information, and interview the person to determine if there is any satisfactory explanation for the positive result. The laboratory may conduct an additional analysis as deemed necessary for accurate interpretation of test results.

The laboratory will advise the Principal of any positive test results where there is no alternative medical explanation for the confirmed positive result other than the unauthorized use of drug or alcohol. The Principal shall initiate employment termination in accordance with the Personnel Policies and Procedures.

Section 11.11.06: Record Retention.
Records of drug and alcohol tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug or alcohol test will be kept for at least one year. Records showing that an employee failed a drug or alcohol test will be kept for at least one year. Records showing that an employee failed a drug or alcohol test the type of test (e.g., reasonable suspicion), the functions of the employee, and the disposition of each employee will be kept for at least five years. These records may be maintained by the laboratory for an indefinite period of time beyond the above specified minimum.

Section 11.11.07: Confidentiality.
Information regarding an individual’s drug or alcohol testing results are confidential and will be released only upon the written consent of the individual, except that results may be released and relied upon by the Rock Creek Grant School Board in any administrative or court action by the employee involving the drug or alcohol test, or in any disciplinary proceedings.

Section 11.11.08: General Drug Testing Procedures.
Test Methods and Cutoff Levels
The initial test performed on the urine of the laboratory will be the Enzyme-Multiplied Immunoassay Technique (EMIT) screen, which will be used to eliminate negative urine samples from further consideration. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GG/MS) techniques at the cutoff values listed below. Tests will screen for drugs listed below. The cutoff levels are as follows:

<table>
<thead>
<tr>
<th>Drug</th>
<th>EMIT</th>
<th>MC/MS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cannabinoids</td>
<td>50ng/ml</td>
<td>15ng/ml</td>
</tr>
<tr>
<td>2. Cocaine</td>
<td>2000ng/ml</td>
<td>150ng/ml</td>
</tr>
<tr>
<td>3. Phencyclidine</td>
<td>25ng/ml</td>
<td>25ng/ml</td>
</tr>
<tr>
<td>4. Amphetamines</td>
<td>1,000 ng/ml</td>
<td>500ng/ml</td>
</tr>
<tr>
<td>5. Phenobarbital</td>
<td>300ng/ml</td>
<td>200ng/ml</td>
</tr>
<tr>
<td>6. Propoxyphene</td>
<td>300ng/ml</td>
<td>300ng/ml</td>
</tr>
<tr>
<td>7. Methadone</td>
<td>300ng/ml</td>
<td>300ng/ml</td>
</tr>
<tr>
<td>8. Codeine</td>
<td>300ng/ml</td>
<td>300ng/ml</td>
</tr>
<tr>
<td>9. Benzodiazepines</td>
<td>300ng/ml</td>
<td>250ng/ml</td>
</tr>
<tr>
<td>10. Opiates</td>
<td>300ng/ml</td>
<td>300ng/ml</td>
</tr>
<tr>
<td>11. Ecstasy</td>
<td>500ng/ml</td>
<td>500ng/ml</td>
</tr>
</tbody>
</table>

Levels above the cutoff levels above are deemed to be positive tests, constituting a violation of this policy. Specimens will be collected in accordance with Department of Transportation (DOT) Procedures for Transportation Workplace Drug Testing Program, 49 CFR Part 40, which are incorporated herein by reference, with the exceptions as noted in this Policy. At least 30 ml of urine will be required to complete the test. The designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a source of water for washing hands.
Procedures for collecting urine specimens shall insure individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen as specified in 49 CFT, 40.25. Examples of reasonable cause to believe a specimen will be altered or substituted include:

i. the presentation of urine specimen that falls outside the normal temperature range (90.0 Fahrenheit – 100.0 Fahrenheit);

ii. presentation of a specimen with a specific gravity of less than 1.0003 and creatinine concentration below .2g/l.

iii. presentation of a specimen which contains the presence of adulterants; or

iv. observation of conduct clearly indicating an attempt to substitute or adulterate sample.

The laboratory will follow the DOT procedures for preparation for testing, chain of custody, security, privacy, integrity, and identify or specimen, and any necessary transportation to a laboratory. See 49 CFR. Part 40, including 40.23 and 40.25. The person submitting specimens will complete the urine custody and custody and control forms as required by the applicable regulations.

Section 11.11.09: General Alcohol Testing Procedure.
A certified or law enforcement agent under contract with the Rock Creek Grant School District will perform and be responsible for administering a breath analysis test. If the breath analysis test is positive, a second breath analysis test shall be given. If a test is to be made for drugs, this specimen will be taken at the same time that the alcohol specimen is taken but will be processed as a separate specimen.

The breath analysis test level to be considered positive will be .05.

The alcohol urine assay will be a EMIT screening followed by a confirmatory GS/MS test on positive screens. Either test will be considered private if the results are .05 or more.

Section 11.11.10: Specific Testing Procedures.

Section 11.11.10.01: Pre-employment Testing Procedures.
Persons are to be made aware of the requirements of drug testing prior to submitting an application for the position. Pre-employment drug and
alcohol testing shall be required for all positions. All applicants will be
furnished a copy of this Drug Free Workplace Policy in advance of the drug
testing and alcohol testing and will have the screening procedure explained
to them. Applicants will be asked to sign an authorization for the tests,
which will authorize the laboratory to disclose the results of the drug and
alcohol test to the Principal. No applicants may be given an offer of
employment prior to the test. Employment is contingent upon passing the
test.

Applicants for positions which require drug and alcohol testing will report to
the designated collection site upon notification by the Principal of the time
and date to report.

All analytical results, negative and positive, will be reported by the
laboratory to the Principal within five days of receiving the specimens.
When a test result is positive, there will be a review of the individual’s
medical history, questionnaire, relevant biomedical information, and
interview the person to determine if there is any satisfactory explanation for
the positive result. The laboratory may conduct an additional medical
interview with the individual and may conduct such additional analysis is
deemed necessary for accurate interpretation of test results.

The laboratory will advise the Principal of any positive test results where
there is no alternative medical explanation for the confirmed positive test
result other than unauthorized use of a drug or alcohol.

Nothing herein shall be constructed as requiring the disclosure to the
applicant the drug(s) for which the applicant tested positive. Rather, it is the
duty of the applicant to disclose all drugs taken by prescription.

In the event of a positive test where there is not a legitimate medical
explanation, the Principal shall advise the applicant in accordance with the
Drug Free Workplace Policy of the conditions that must be met before the
individual may again be considered for employment with the Rock Creek
Grant School Board.

**Section 11.11.10.02: Reasonable Suspicion Testing.**
Once the determination has been made that an employee is to be tested based
upon reasonable suspicion, the Principal should then transport the employee
to the collection site or make other appropriate arrangements for
transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

Once the procedure has been completed, the employee shall be asked to sign a release for testing and to assist in completing necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

If the employee refuses to sign the release or refuses to be tested, the employee should be advised that refusal under is insubordination and may subject to the employee to disciplinary action under the Personnel Policies and Procedures. If the employee continues to refuse, the Principal shall terminate the employee in accordance with the Personnel Policies and Procedures.

Under no circumstances shall the employee be allowed to drive a vehicle while there is a reasonable suspicion that they may be under the influence of alcohol, illegal drugs, or a misuse of prescription or over-the-counter drugs.

In the event of positive test results, the Principal shall take the disciplinary action in accordance with the Personnel Policies and Procedures.

**Section 11.11.10.03: Promotion and Transfer Testing.**
An employee that has applied for a different position with the Rock Creek Grant School District will be subject to the drug and alcohol testing procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to submit to a random test.

**Section 11.11.10.04: Periodic Testing.**
1. The minimum annual percentage rate for periodic drug testing shall be 50 percent and 25 percent for alcohol. The School may also test all personnel and Board members.
2. The selection of employees for periodic testing shall be made by a scientifically valid method. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.

3. The medical vendor shall randomly select a sufficient number of employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random testing. In the alternative, the Principal may also test all personnel and Board members.

4. The Principal shall ensure that periodic tests conducted under this part are unannounced and that the dates for administering periodic tests are spread reasonably throughout the calendar year. The lab retained to conduct testing shall be responsible for scheduling the dates for periodic testing.

5. The Principal shall require that each employee who is notified of selection for random testing to proceed to the designated collection site by the designated appointment time.

6. Notification of employees and Board members selected for periodic drug and/or alcohol selection will be made in accordance with the following procedure:

   i. In the event, an employee is unavailable for testing due to absence, lay-off period (summer), travel on a school sponsored activity or on pre-arranged leave, such test will be completed promptly upon employee’s return. For Board members, testing will be scheduled in conjunction with Board meeting times or scheduled employee testing. If a Board member is not located within a one (1) hour drive from the School at the time of notification, the Board member must arrange for testing within twenty-four (24) hours or upon return to the community if on travel for a longer period of time.

   ii. A refusal to submit to testing, failure to report to collection site on time after being notified, or adulteration of urine specimen will be considered a positive result. Positive test results, or
failure to abide by this Policy shall result in disciplinary action, and for Board members, removal from the Board.

Section 11.11.11: Changes to Procedures.
The foregoing procedures may be amended from time to time to facilitate changes in the Rock Creek Grant School Board Drug Free Workplace Policy as necessary.

Section 12. Personnel Discipline.

The Board expects all employees to comply with policies and that noncompliance with these policies must be remedied. The board endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve.

Disciplinary procedures shall result from such occurrences as, but not limited to: Failure to report absence from work, repeated absence from work, repeated tardiness, job assignment, failure to carry out assigned duties, insubordination, misuse of school materials or equipment, falsification of reports, failure to provide adequate supervision of students, or noncompliance with Professional Ethics.

The Principal, or in the case the employee is the Principal, the School Board, may issue a higher level of discipline than is set forth below if in their judgment, such discipline is necessary to remedy the behavior, and is in the best interests of the School.

Section 12.01: Procedure.
Employees will be disciplined by the Immediate Supervisor within five (5) business days of the date the Immediate Supervisor becomes aware of a violation of School Policy or contractual obligations. Failure to act shall be considered grounds for discipline of the Immediate Supervisor.

Step 1. Verbal Reprimand. If an employee violates board policy, the Principal shall take the following action, unless the employee is the Principal, in which case the School Board shall take the following action:

1. Meet with employee to discuss the matter.
2. Inform the employee of the nature of the problem and corrective action necessary.
2. Support and enforcement of board policies and regulations of the administration.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own as well as the safety and welfare of students, including the need to ensure that students are under supervision at all times.
6. The maintenance of just and courteous professional relationships with students, parents, staff and others.
7. The transaction of all official business with properly designated school authorities.
8. Favorable representation of the school at all events at all times.
9. Directing any criticism of other employees or any department directly to the administrator who has the responsibility for improving the situation.

All administrative and certificated staff will abide by the CODE OF ETHICS of their respective profession.

SECTION 15: COMPUTER AND INTERNET ACCEPTABLE USE POLICY

Section 15.01: STAFF COMPUTER/NETWORK USER FORM REQUIRED

Staff are required to read, sign, and return the Internet Usage Agreement before internet access will be granted. This agreement ensures that the staff member will use the internet only for educational purposes and only for Rock Creek Grant School related business. Failure to adhere to this Computer and Internet Acceptable Use Policy and this Agreement may result in suspension of computer privileges and/or personnel disciplinary action.

Staff will have access to the Student Information System to access grades, attendance records, and class assignments through any computer with internet capability. Access will only be given after proof that the staff member has completed a Security Awareness Test, which shall be provided by the Technology Department.
Section 15.02: TECHNOLOGY TOOLS ACCEPTABLE USE POLICY

Rock Creek Grant School offers students, faculty, and administration access to its computer network and the Internet. In providing network and Internet service throughout the school, the goals is to facilitate access to resources, improve communication, and encourage innovation. While our intent is to make Internet access available to further educational goals and objectives, staff and students may find ways to access other materials as well. Staff and students are responsible for assuring that school technology is being used for educational purposes only. The school regards this access as a privilege, not a right. Account holders are expected to act in a responsible, ethical manner, and to abide by local, state, and federal law. (For any questions about proper educational usage please contact the K-8 Information Technology Lead Kris Kills Pretty Enemy or Clyde C. Naasz K-8 School Principal/CEO)

Section 15.03: ROCK CREEK GRANT SCHOOL TECHNOLOGY AND COMMUNICATION RULES

The school’s technology and communications tools are provided for staff and students for educational purposes.

- Access is a privilege – not a right
- Accessible DOES NOT mean acceptable
- Access entails responsibility.

Individual users of the school’s technology and communication tools are responsible for their behavior over those networks. It is expected that users will comply with the school’s standards.

Rock Creek Grant School takes precaution to restrict access to objectionable material. However, it is not possible to have full control of access to resources and materials on the Internet due to mandatory enrollment in the Bureau of Indian Education (BIE) web filter. We reserve the right to block content that negatively impacts the academic performance or productivity of students and staff.

Network administrators may review files and communication to maintain system integrity and insure that users are using the system responsibly. Communications on the network are often public in nature and users have no expectation of privacy with respect to files stored on the school’s servers, or
any use of the Internet from School equipment or servers. Use of school technology for personal business is deemed unacceptable and will not be allowed by the school.

School staff members will model and guide students toward appropriate usage of school technology and communication tools. It is the teacher’s responsibility to log off of their computers when the computer is not in the teacher’s field of sight.

The use of electronic resources, technologies, and the Internet must be in support of education and consistent with the educational goals, objectives, and priorities of Rock Creek Grant School. Acceptable and appropriate use is an extension of the educator’s responsibility in his/her classroom.

**Inappropriate use includes, but is not limited to:**
- Social Media
- Sending or displaying offensive messages or pictures
- Use of personal technology devices
- Using obscene language
- Harassing, insulting or attacking others
- Damaging or tampering with any technology or communication tools
- Violating copyright laws
- Attempt to discover or use another’s login name or password, or sharing passwords.
- Trespassing in another’s folders, work, or files
- Intentionally wasting limited resources (Streaming non-educational movies, music)
- Employing the network for commercial purposes
- Bypassing school Internet filters without authorization
- Storing of movies or music
- Allowing students to use a staff computer
- Storing of software used primarily for hacking, eavesdropping, or network administration.

Violations may result in loss of access to technology and communication tools as well as other disciplinary or legal action. If users identify a
security issue, they are to report it to their onsite technology staff, security staff or building administrator.

Section 15.04: STAFF INTERNET USEAGE AGREEMENT FORM

As a user of the Rock Creek Grant School computer network, I hereby agree to comply with the COMPUTER AND INTERNET ACCEPTABLE USE POLICY rules – communicating over the network in a reliable fashion while complying with all relevant laws and restrictions.

Staff Signature: ____________________________________________
Date: __________________

Print
Name: ____________________________________________________

THIS WRITTEN AGREEMENT MUST BE RETURNED BEFORE
COMPUTER NETWORK USAGE WILL BE PERMITTED.