



EMPLOYEE
HANDBOOK

The TOKLA Employee Handbook is your guide to employment at TOKLA. The policies contained herein are a representation of Section 3 of the Policies of the Governing Authority of TOKLA. TOKLA policies will change from time to time. The most up-to-date version of TOKLA Policies will be maintained in the Policies of the Governing Authority of TOKLA. A copy is available in the Administrative Office.

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regard to Internet communications into and out of the School, as well as all internal e-mail communications. Despite certain equipment features that may give the appearance of creating privacy, such as passwords and the ability to delete and purge messages, students and employees have no expectation of privacy with regard to any communications or data transfer utilizing the School's Equipment. **By using the School's Equipment, students and employees consent to the monitoring of their activities on the School's Equipment and forfeit any expectation of privacy.**

398.3 Violations

Any student or employee who abuses the privilege of using the School's Equipment will be subject to appropriate disciplinary action. The School also reserves its right to advise appropriate authorities of any illegal use of the School's Equipment.

399 Travel

Staff members are to be reimbursed for official travel as designated by the CFO with advance approval. Reimbursement will be at the current IRS rate per mile. Mileage sheets should be kept by the employee and handed in at the end of each month in which the employee traveled.

See also Policy No. 148.8 Staff Reimbursement.

can apply even to information that appears to be freely available for any use. No copyrighted material will be copied illegally on the School's Equipment or transmitted through the School's Equipment.

The Board encourages teachers and staff assigned to the School to make judicious use of appropriate printed materials, sound recordings, and electronic programs in the curriculum but recognizes that Federal law, applicable to public school districts, protects authors and composers from the unauthorized use of their copyrighted work.

The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted materials. According to the copyright law, it is illegal to copy or reproduce on disk or paper, by use of school equipment or any other means, materials for which the person reproducing or the School does not own the copyright, unless the written permission of the copyright owner has been obtained, or unless the activity is within some of the limited exceptions to the copyright laws. Copyright infringement carries with it serious civil and criminal penalties under law.

Title 17, Section 107, regarding the Fair Use of copyrighted work, reads in pertinent part:

. . . [T]he fair use of a copyrighted work, including such use by reproduction in copies or photo-records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

398.2 Security

No student or employee may use a pass code or voice-mail access code that has not been issued to that employee by the School. The School has the technical means, and the legal right, to monitor all office electronic mail and Internet communications sent to or from the School's Equipment. The School will exercise this right as deemed necessary by the School. There are several legitimate business reasons for the School monitoring the use of its Equipment including: (1) ensuring that the sole use of the Equipment is to further its business purposes; (2) preventing inappropriate and unprofessional comments, or even illegal activity, via its Equipment; (3) preventing and controlling the spread of viruses in its Equipment; (4) the need for supervision, control, and the efficient operation of the workplace; and (5) controlling costs.

In some respects, communication via the Internet is not completely private. For instance, certain information with regard to sender's name, receiver's name, and subject matter is tracked and recorded automatically at various stages of the transmission process. In addition to these automatic tracking features of Internet communications, the School has the added capability, as well as the right, to monitor and record all information with

Welcome to TOKLA

Dear Staff Member:

It is my pleasure to welcome you to TOKLA. You have become a part of an organization that prides itself on its commitment to our students. With the commitment of hardworking staff like you, we are able to successfully serve our students and their families.

The quality of any educational institution is a direct reflection of its staff. TOKLA recognizes that its employees are a valuable component to our student's success. The personnel policies reflect the respect felt for staff as professionals and provide a basis for understanding and meeting the needs of the institution. TOKLA is committed to providing a working environment which exemplifies cooperation and support.

Our teachers and other employees are the School's most valuable assets. TOKLA recognizes a need for uniformity and consistency in stating policy related to employees and employment practices. The value of adequate job descriptions that serve as guides for successful job performance is equally recognized. However, TOKLA also recognizes the importance of dealing with individuals and individual situations.

This staff handbook is a general guide that we hope will help you understand how you and the School can work together toward a shared success. This handbook is not an employment contract and the school or the employee can sever the relationship for any reason or for no reason at all. We ask that you take the time to read this handbook and familiarize yourself with our School philosophy, policies, and practices. If anything in this handbook is not clear to you, or if you need more information, please ask your immediate supervisor or our Head of School.

Thank you for joining our team. We hope your experience here will be challenging, fun, and rewarding.

Best wishes,

Rabbi Mordechai T. Salfer, PhD
Head of School

SECTION 300

GENERAL INFORMATION

301 **About This Handbook**

In your best interest as a new Employee of TOKLA, we have designed this handbook to answer questions regarding your job and make you aware of the School rules, procedures, policies, fringe benefits and other matters of interest to you. The information expressed in this handbook, or any future additions or revisions does not constitute an agreement or any contractual rights in favor of employment for any specified period or definite duration. The employment relationship may be established pursuant to a contract and may be "at will" meaning that, with or without cause and without prior notice, the employer and Employee may terminate the employment relationship, subject only to a written authorized agreement to the contrary. The only person authorized by TOKLA to enter into any agreement or assurances to the contrary of this handbook is the Head of School of TOKLA and any such agreement or assurance must be in writing and signed by the Head of School. The policies, procedures, benefits and matters contained in this book are subject to revisions at anytime by TOKLA Board.

You are expected to read this handbook thoroughly so that you understand all its contents. You are encouraged to bring questions regarding any policies or benefits to any member of management. You are required to sign a Handbook Acknowledgment form and return it. We encourage you to ask questions so that misunderstandings will be kept to a minimum and we can concentrate on our number one job - teamwork and service to our students.

We want you to enjoy your job and sincerely hope that you find your employment at TOKLA to be pleasant, personally challenging, rewarding and profitable.

302 **About Our School**

In 1999, the founders of the TOKLA had a vision to provide educational services to children who were hospitalized and unable to attend school. While contracting with several local school districts to service these particular children, they discovered that not all local school districts were willing to contract with them to provide individualized tutoring services to these sick children because it was the local school district's own responsibility to care for these students. However, the founders soon discovered that some of these local school districts, regardless of their responsibility, were unwilling to provide teachers to educate their ill students enrolled in their school district. Frustrated and upset with this dilemma, the founders wanted to come up with a solution. As a result of voicing their concerns, the Governor of Ohio, Governor Taft, approached the founders and advised them that by opening a charter school, the families of these students would have the option to withdraw their child from the family's district of residence and enroll in their charter school. In this way families would be able to receive the educational services they deserve.

On September 9, 2004 the VSH opened its doors for the very first time. VSH started off small, but as word of mouth got around our school grew extremely quickly and at enormous proportions.

To support such a growing student population demand, VSH purchased its own 64,000 square foot building located in Glenville, Ohio. This building underwent many renovations and opened its doors in the fall of 2006.

397.1 **Use of Electronic Equipment**

To ensure that the School's electronic equipment is used only for lawful and appropriate purposes and to further its business interests, the School has adopted the following Policy which applies to all employees. Each employee and student having access to the electronic equipment of the School is required to abide by this Policy. The School will strictly enforce this Policy.

397.2 **Acceptable Uses of the School's Equipment**

Software and business equipment, including telephones, facsimile machines, computers, the School's electronic mail system, the School's Internet access, and copy machines (collectively, the "Equipment") are intended to be used for business purposes only. The Equipment is the exclusive property of the School, and its sole purpose is to facilitate the business of the School. Each student and employee has the responsibility to maintain and enhance the public image of the School and to use the Equipment in a productive and appropriate manner.

397.3 **Unacceptable Uses of the School's Equipment**

The School's Equipment may not be used for transmitting, receiving, or storage of any communications of a defamatory, discriminatory, or harassing nature, or materials that are sexually explicit, pornographic, or obscene. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, sex, age, disability, religion, national origin, or physical attributes shall be transmitted through the School's Equipment. The School will not tolerate actions that may create a hostile environment. Equipment may not be used for any purpose which is illegal or against the School's policies or contrary to the School's best interest. Sensitive or confidential information respecting the School or its students or vendors should not be transmitted via the Internet or over facsimile machines without the consent of the School. Solicitation of non-School business, or any use of the School's Equipment for personal gain, is prohibited.

See also Policy No. 232 Technology and Internet Acceptable Use (to be signed by Staff as well as Students).

398 **Communications**

Students and employees are responsible for the content of all information that they transmit over the School's equipment. All electronic communications must correctly identify the student or employee responsible for the communication. Any information sent to an individual outside of the School via the School's Equipment are statements that reflect on the School. All communications sent by students and employees via the School's Equipment must comply with this and other School policies.

398.1 **Software and Copyright Issues**

To prevent computer viruses from being transmitted through the School's Equipment, there will be no downloading or copying of any software onto the School's Equipment without prior approval of the School. No files of any kind will be downloaded from the Internet without prior approval of the School. License agreements relating to any software, whether individually owned or owned by the School, will be strictly complied with. Any student or employee desiring to reproduce or store information of any sort downloaded from the Internet should contact the Head of School or his/her designee to determine whether the intended use is permissible. Copyright laws are very complex and

packing slip must be signed, dated, and marked "All Items Received." If there are any problems with the items received contact the Accounts Payable Manager for advice on how to resolve any concerns.

4. In the event that an item has not been received within two weeks of the order date the person responsible for originating the order should contact the vendor immediately.
5. When an invoice for payment is received the Accounts Payable Manager will check that the associated packing slip has been returned by the responsible staff member. In the event that the packing slip is not received from the responsible staff member in a timely fashion, progressive disciplinary action will be taken. Such action may include withholding an employee's paycheck until the packing slip is received. The CFO or his/her designee has the authority to approve up to \$2,500 for any one purchase, subject to any budget constraints, before having to receive Board approval of a purchase.

See also Policy No. 148.1 Purchasing and Policy No. 148.4 Property Obtained with Federal Title Grants, Policy No. 148.8 Credit Cards, Policy No. 148.8 Staff Reimbursement and Policy No. 149 Use of Cellular Telephones.

395.2 Leases and Contracts

All leases and contracts must be initiated by a School administrator and approved by the Board. No staff member, School administrator, consultant, parent or any other person has the authority to sign a lease or contract without Board approval.

396 Staff Gifts

Students and their parents are discouraged from the routine presentation of gifts to School employees on occasions such as religious holidays. Where a student feels a spontaneous desire to present a gift to a staff member, the gift should not be elaborate or unduly expensive. The Board considers as always welcome, and in most circumstances more appropriate, the writing of letters to staff members, expressing gratitude or appreciation.

397 Care of Materials, Equipment and School Property

When materials and equipment are issued for use in the classroom, the staff member is responsible to assure the items are not misused or mistreated. If an item is damaged, the staff member shall be responsible for reporting the condition to the Head of School or his/her designee. If an item is stolen the staff member shall notify the Head of School or his/her designee that the item is missing and the Head of School or his/her designee shall, with information supplied by the staff member, make a formal police report. When the report has been made it shall be turned over to the Head of School or his/her designee for appropriate action regarding inventory adjustments as well as determining if an insurance claim should be filed.

Staff members shall report School cleanliness needs and School maintenance needs in writing on the appropriate form and submit the form to the Head of School or his/her designee with a copy being sent to the Head of School or his/her designee. The Head of School or his/her designee shall forward the form to either the custodian or maintenance staff for appropriate action.

See also Policy No. 232 Technology and Internet Acceptable Use (to be signed by Staff as well as Students), Policy No. 234 Electronic Communication Devices and Policy No. 149 Use of Cellular Telephones.

With the new building, and a variety of academic programs, VSH is able to provide successful educational services to hundreds of children from an assortment of communities.

VSH founders chose Miami to open a new school named TOKLA with a similar mission in Miami.

303

Our Mission Statement

Tree of Knowledge Learning Academy (TOKLA) welcomes all students to its doors with targeted efforts to recruit at-risk K – 12 students that face economic, environmental, emotional and/or academic challenges, including physical and mental health illnesses, social disadvantages, learning disabilities or other special needs. TOKLA provides students and their families with excellent education options based on flexible learning situations, individualized programming and curricula, and complete technology connections for home and hospital-based students to meet every child's learning needs and maintain whole-school participation.

Tree of Knowledge Learning Academy provides individualized educational experiences for every student in a safe community environment characterized by adaptable, psycho-educational programming through advanced technology, small classes, and a focus on teaching and therapeutic excellence grounded in research-based practice.

304 **Our Values**

TOKLA values the idea that every child deserves an exceptional comprehensive educational experience regardless of any disability or obstacle they may face.

TOKLA will improve public education by adequately serving students who have been disenfranchised from the educational system. The concept behind TOKLA is that students can receive a standards based, quality education through a variety of unique programs we have created.

305 **Non-Discrimination Policy**

TOKLA is an Equal Opportunity Employer. It is our policy to administer all of our employment practices, including those pertaining to recruitment, hiring, placement, transfer, promotion or compensation (i.e. wage rate), layoff or termination, and selection for training in a nondiscriminatory manner without regard to age, color, sex, national origin, disability, race, religion, or status of a Vietnam veteran or on any other basis prohibited by federal, state, or local law. TOKLA will also make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Any employee with a question or concern about discrimination in the workplace is encouraged to bring their concern to the attention of the Head of School or his or her designee. No reprisal will be permitted for raising concerns or making a report. Anyone determined to have engaged in discrimination or retaliation for a report of discrimination will be subject to disciplinary action, up to and including termination of employment.

29 USC § 631; 29 USC § 206(d); 42 USC § 2006(c); 42 USC § 12101; R.C. 4112.02; 4111.17

306 **Harassment Policy**

306.1 **Statement of Philosophy**

The School strives for a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices and harassment based upon age, disability, national origin, race, religion, or gender. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

306.2 **Definition of Harassment**

For purposes of this policy, harassment is defined as unwelcome or unwanted conduct of an offensive nature (whether verbal, visual, or physical) when: 1) submission to or rejection of this conduct by an individual is used or threatened to be used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or 2) this conduct has the purpose or effect of unreasonably interfering with an individual's employment performance or creating an intimidating, abusive, hostile, or offensive work environment.

Examples of harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated jokes which include offensive references to age, disability, national origin, race, religion, or gender; unwelcome flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive, insulting, threatening, or obscene comments or gestures; dissemination or

employees are required to wear a school issued identification badge whether performing their duties at the center or servicing a student outside of the center. An identification badge will be issued to the employee at the time of hire with no cost to the employee.

393 **Student Activities**

The formation of all student activities (clubs, teams, groups etc) must first be approved by the Head of School or his/her designee. The Head of School or his/her designee will give consideration to all factors in determining the potential value to students before final approval is given. Copies of all the necessary forms, rules and regulations pertaining to the establishment of a student activity are available from the Head of School or his/her designee.

394 **Fund Raising Activities and Projects**

All fund raising activities conducted at or on behalf of the School must be approved in advance of the proposed activity by the Head of School or his/her designee. Copies of the forms and rules and regulations are available from the Treasurer. There is a potential personal liability associated with maintaining proper and accurate records, safeguarding and depositing funds and assuming responsibility for conducting and overseeing a fund raising project. Staff members are advised to carefully follow all rules, regulations and policies governing fund raising activities.

395 **Purchasing Policies**

395.1 **Purchase of Supplies and Materials, Equipment**

Staff members may request the purchase of supplies and materials provided the Head of School or his/her designee **and** the Chief Financial Officer (CFO) approve the purchase and there are adequate funds in the budget to cover the cost. All staff members must follow the following rules, regulations and procedures when making a purchase.

1. Verbal approval by itself is never acceptable to make a purchase or place an order. A requisition must first be completed and then signed by the appropriate supervisor and the Head of School or his/her designee and then sent to the CFO. The CFO will determine if there are adequate funds available in the budget for the transaction and will then issue a written purchase order. If a purchase is approved, the purchase order will generally be available in the financial office within five to seven days of its being submitted. If the vendor does not accept purchase orders the requester will need to complete the purchase in the financial office.
2. Only those employees authorized by the CFO to sign for and receive package may do so. Before signing for packages such persons must first:
 - a. inspect the packaging for damage; and
 - b. inspect the shipping label to determine that the receiving party (specific person) is included in the shipping address.

In the event that the package is severely damaged or a specific person is not named in the shipping address, employees must not sign for the package and should contact the CFO for help in resolving the matter.

3. Upon receipt of the supplies and materials the staff member who made the request will be responsible to verify that all items ordered have been received and are acceptable for use. Upon such verification the staff member will turn the accompanying packing slip into the Accounts Payable Manager. The

casual code of dress will be employed for all staff who are not maintenance, janitorial, or cafeteria personnel.

The following dress code should be adhered to:

Slacks, Pants, and Suit Pants

Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, flannel pants, and nice looking dress synthetic pants are acceptable. Inappropriate slacks or pants include jeans, sweatpants, exercise pants, shorts, Bermuda shorts, bib overalls, leggings, and any spandex or other form-fitting pants such as bike clothing. Pants must be worn at the waist and with a belt (i.e., no “sagging”).

Skirts, Dresses, and Skirted Suits

Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should extend to the knee area. Short skirts, tight skirts, mini-skirts, skorts, sun dresses, beach dresses, and spaghetti-strap dresses are inappropriate.

Shirts, Tops, Blouses, and Jackets

Button-down dress and polo shirts (short or long sleeve), sweaters, and turtlenecks are acceptable. Most suit jackets or sport jackets are also acceptable attire if they do not violate any of the listed guidelines. All shirts, tops, and blouses must either overlap the bottom garment or be tucked inside the bottom garment. Inappropriate attire includes tank tops; sleeveless tops; sweatshirts; midriff tops, shirts with words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; and t-shirts unless worn under another blouse, shirt, jacket, or jumper.

Shoes and Footwear

Loafers, boots, flats, clogs, sandals, conservative athletic shoes, sneakers, dress heels, and leather deck shoes are acceptable. Flashy athletic shoes, flip-flops, and slippers are not acceptable.

Jewelry, Makeup, and Fragrance

Fragrance and makeup should be subtle and in good taste.

No body piercing other than pierced ears or a tiny stud in the nose should be visible.

Hats and Head Covering

Only Head Covers and hats that are required for religious purposes are allowed.

All clothing should present a neat and clean image. As a result soiled, wrinkled clothing or clothing that otherwise gives an unkempt appearance is inappropriate for a school environment. When in doubt, always dress on the side of modesty keeping in mind that the attention of the students should be on you and not your clothing or lack thereof. Clothing should be modest and provide good coverage. No clothing should be see-through or semi see-through.

If clothing fails to meet these standards, as determined by the employee’s supervisor, the employee will be asked not to wear the inappropriate item to work again. The employee may be sent home to change clothes depending on the severity of the transgression. If the problem persists, the employee may be sent home to change clothes and a written warning will be given to the employee. A copy will be placed in the employee’s personnel file. Progressive disciplinary action will be taken for further dress code violations. All other policies about personal time use will apply for those employees that have been sent home to change clothes.

Identification Badges

TOKLA is committed to safety of our staff and students. In order to help identify people who are unfamiliar with our school or people who may pose a potential threat, all

display in the workplace of objects, written materials, or pictures which include offensive references to age, disability, national origin, race, religion, or gender; asking questions about sexual conduct; racial or ethnic slurs or epithets.

Harassment is unacceptable in the workplace itself and in other work-related settings, such as business trips, meetings, or business-related social events.

29 USC § 631; 29 USC 206(d); 42 USC 2006(c); 42 USC 12101; R.C. 4112.02.

See also Policy No. 264.1 Anti-Harassment, Intimidation and Bullying.

306.3 **Individuals Covered Under the Policy**

This policy protects all employees. The School will not tolerate, condone, or allow harassment, whether engaged in by fellow employees or other non-employees who conduct business with the School. The School encourages reporting of all incidents of harassment, regardless of who the offender may be.

306.4 **Reporting a Complaint**

The School encourages all individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. The School does, however, recognize that, in some instances, power and status disparities between the alleged harasser and the individual may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint. A complaint may be filed by one experiencing or witnessing harassment.

A. Notification of Appropriate Staff

Individuals who believe they have been subjected to harassment should report the incident to the Head of School or his/her designee. When appropriate, the Head of School or his/her designee will immediately consult with the Board. If the Head of School or his/her designee is allegedly involved in the incident, then the individual should report the incident directly to the President of the Board.

The School encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, but no limited time frame applies. Late reporting of complaints will not in and of itself preclude the School from taking remedial action.

B. Protection Against Retaliation

The School will not in any way retaliate or permit retaliation against any individual who makes a good faith report of harassment or who assists or cooperates in an investigation thereof. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have violated this policy by retaliating against another individual for making a report of harassment or for assisting or cooperating in the investigation thereof will be subject to the same disciplinary action provided for harassment offenders.

C. Investigating the Complaint

Any allegation of harassment brought to the attention of the School will be thoroughly and promptly investigated. Confidentiality will be maintained where possible throughout the investigatory process to the extent practical and appropriate under the circumstances.

D. Resolving the Complaint

Upon completing the investigation of a harassment complaint, the School will communicate its findings and intended actions.

If the investigation finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures, as listed below.

If the investigation determines that no harassment has occurred, this finding will be communicated as appropriate.

E. Sanctions

Individuals found to have engaged in misconduct constituting harassment will be disciplined, up to and including discharge. Appropriate actions will be determined by the School. For example, action may include reprimanding the offender, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, or termination of employment.

Although the School's ability to discipline a non-employee harasser (e.g., customer, supplier) is limited by the degree of control, if any, that the School has over the alleged harasser, any individual who has been subjected to harassment by such an individual should still file a complaint and be assured that the School will take those actions it deems appropriate to end any harassment.

307 **Immigration Law Compliance Policy**

TOKLA is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with TOKLA within the past three years, or if their previous I-9 is no longer retained or valid.

8 USC § 1324a.

SECTION 390

MISCELLANEOUS POLICIES

391 **Insurance**

391.1 **Health Insurance and Annuities**

The Board provides health, dental, and life insurance for all full time employees. Hourly employees are not generally provided paid insurance. The amount contributed by the Board is 50% of the employee's insurance premium. Although family members may be included on an employee's insurance policy, TOKLA makes no contribution towards their share of the premium. Family members of an employee are not covered TOKLA's life insurance policy. Additional insurance may be provided to administrators as per their contract. From time to time the Board may have several contracts with companies who provide tax-sheltered annuities to employees who wish to contribute. These are paid entirely by the employee. Employee contributions shall be made through payroll deductions. If an employee is given a leave of absence for a period of time the Board will not pay the employee's health insurance except as required for eligible parties under the FMLA (See Policy No. 385 above). The employee may elect to pay the premiums for such time as they are on an approved leave. An employee who resigns prior to the end of their contract year will have Board paid health insurance only through the end of the month in which their resignation is effective. If a teacher or teacher aide resigns at the end of their contract year the Board will continue to pay their health insurance premium through the month of August. Other staff members who resign at the end of their contract will have their health insurance paid through the end of the month immediately following the end of the contract.

R.C. 9.90.

391.2 **Workers' Compensation Insurance**

As required by law, all employees are covered by Workers' Compensation Insurance, which may provide benefits for injuries or illness that occur as a result of employment at TOKLA. Any injury, regardless of its apparent seriousness must be reported immediately to your supervisor. Failure to immediately report an on the job injury will result in discipline up to and including discharge.

R.C. 4123.01; R.C. 4123.83.

391.4 **Unemployment Compensation**

By law, most employees (but not independent contractors) are insured for unemployment compensation, which provides income payment in certain conditions for a period of weeks if you lose your job under certain conditions.

R.C. 4141.01.

392 **Staff Dress and Grooming**

All staff is expected to set an exemplary model of dress for our students. It is important for the students of TOKLA to see that our staff takes pride in their own appearance. Staff is expected to dress in a manner congruous with a professional environment. It is requested that all employees should be neat and clean at all times. As a result, a business

An employee who requests leave to care for his/her own serious health condition or the serious health condition of a family member must provide a certification by his/her care provider which justifies the leave.

This certification must be provided by the employee within fifteen (15) days of the request for leave, unless it is not practicable to do so. Failure to provide the required certification on time may affect the employee's ability to take leave as requested.

The School also may require an employee on leave to check in periodically with management to inform them of his/her status and intent to return to work. A check-in schedule should be arranged between the employee and the Human Resources Administrator before leave is taken.

The School may also require a second opinion as to a serious health condition at its own expense. This opinion shall not be given by a medical professional regularly used by the School.

In the event of a conflict between the two opinions, the School may, at its own expense, require a third opinion from a medical professional jointly designated by the School and the employee whose decision shall be binding on the School and the employee.

Finally, an employee returning from leave taken for his/her own serious health condition must provide certification from his/her care provider that he/she is able to resume work.

29 U.S.C. § 2601.

SECTION 310

YOUR EMPLOYMENT AT TOKLA

311 **Employment Status**

Some TOKLA employees may have an "employment-at-will" relationship. This means that the employee is free to leave TOKLA at any time, with or without reason, and that the School has the same right to end its employment relationship with that employee. No one at TOKLA has authority to make a contrary agreement with you except the Head of School or his/her designee and/or the Chief Financial Officer or his/her designee. Any such contrary agreement must be in a formal written document and signed by the Head of School or his/her designee.

312 **Employment Contracts**

Employment contracts or letters are issued to full time employees who have a current and valid Teaching License/Certification as required by law and that will meet the criteria for highly qualified teacher ("HQT") status. Supplemental contracts are issued to employee's who perform duties in addition to their regularly contracted services. Hourly-rated employees are not issued annual contracts and they are considered to be casual employees and are paid on a time sheet basis. All contracts are subject to final approval by the Head of School and/or the Chief Financial Officer and/or the CEO of the Management Company or their designees, and may either be "At Will" contracts or as otherwise stated therein.

313 **Salaries**

Each employee is assigned a salary range based on position, qualifications, and experience. Salary ranges will be approved by the Chief Financial Officer and the Board. Your salary is not to be discussed with anyone other than the CFO or Head of School.

Fair Labor Standards Act; R.C. 4113.15(A).

SECTION 315

EMPLOYEE QUALIFICATIONS

316 **Teachers**

Prior to employment, teaching applicants must submit the following documents:

- A. Application for employment;
- B. Evidence of a Bachelors Degree or higher;
- C. Certified transcripts from an accredited college or university attended by the teacher;
- D. Copy of the diploma issued by an accredited college or university;
- E. A current Teaching Certificate as required by law;
- F. References and recommendations for employment, and;
- G. An application for the completion of a criminal background check as required by Florida Revised Code 109.572 and 3319.39. New employees are employed on a conditional basis pending receipt of a satisfactory background check. Every employee must undergo a criminal background check. Certain convictions as outlined in Florida Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School Head of School's office or from his/her designee.

Teachers must possess physical and mental health so as to be able to fulfill the conditions of employment or the continuation of employment.

Teachers may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for any specific position, including but not limited to all those required by federal and state laws.

20 U.S.C. § 6301; R.C. 3319.30; R.C. 3313.71.

316.1 **Entry Year Program**

The School's Entry Year Program provides support for administrators and teachers new to the School with two years or less experience. This program is designed to provide direct assistance to the School's beginning teachers through mentors who offer the necessary support to help meet classroom challenges. All beginning teachers employed full time under a three year temporary license must successfully complete the School's Entry Year Program and pass the performance-based assessment before they are issued a 5-year professional license, which is a license required to work as a fully credentialed teacher in Florida schools.

Entry year support:

A formal program of support shall be a minimum of one academic year in length (i.e. a minimum of 120 school days). Entry year support shall include mentoring that is provided on an ongoing basis and that is congruent with the performance-based assessment in accordance with OAC 3301-24-04. Additionally, training may include such things as monthly mentor meetings, observation of classroom practice, review of

A leave taken by an employee for the birth or placement of a son or daughter must be taken in one continuous segment, up to twelve (12) weeks, and must be taken within twelve (12) months of the birth or placement of the son or daughter. An employee is required to give thirty (30) days written notice of his/her intent to take leave, unless such leave is unforeseeable. In such a case, the employee must give notice as soon as practicable.

Leave taken to attend to the serious health condition of the employee or the employee's family member may be taken in one continuous segment, up to twelve (12) weeks, or may be taken on an intermittent or reduced leave, if medically necessary. The employee must make a reasonable effort to schedule his/her leave so as not to unduly interrupt School operations and must give thirty (30) days written notice of his/her intent to take leave, if practicable.

Intermittent or reduced leave will be allowed only for serious health conditions when medically necessary and properly validated or certified. An employee is not entitled to take an intermittent leave or a leave on a reduced schedule for the birth or placement of a child.

If an employee chooses to take intermittent or reduced leave, the School may require the employee to transfer temporarily to another position in the School for which he/she is qualified, and which would provide equivalent pay and benefits and a better accommodation for the employee's recurring periods of leave.

The employee will remain covered by the School-sponsored health care benefits while on leave. However, he/she is required to continue payment of any required contribution for insured benefits. If the employee does not return to work after the leave period, the School will require the employee to repay the health care premiums paid by the School during the leave period, unless the employee does not return due to a serious health condition as defined in this policy or due to other circumstances beyond the employee's control.

An employee on leave does not lose any benefit which has accrued prior to the first day of leave and the leave period will be treated as continued service for purposes of determining vesting and eligibility to participate in pension, 401(k), and other School retirement plans. However, an employee does not accrue any other benefits during the leave period, nor does the leave period entitle the employee to any greater rights than he/she would have had if he/she had remained in the workplace.

If an employee takes any under this policy, accrued paid time will be applied to the leave period until such paid time off is exhausted. The remainder of the leave will be unpaid.

An employee returning from leave will be reinstated to the same position or an equivalent position, with equivalent pay, benefits, and other terms of employment, unless the employee would not otherwise have been so employed at the time reinstatement is requested.

Any employee returning from a medical leave, whether under this policy or not, may be required to present certification of the employee's fitness to return to work and identifying any restrictions relating to the leave of absence.

Certain higher level employees may be denied reinstatement and the Human Resources Coordinator should be consulted if the employee is believed to be within the highest paid 10% of workers employed within 75 miles of the employee's workplace.

385

Family Leave (FMLA)

TOKLA does not presently employ 50 or more employees, so no one is eligible for FMLA coverage. Employees interested in FMLA coverage should contact the CFO to find out if TOKLA employees have become eligible. Until this FMLA policy applies in general, and, until this FMLA policy specifically applies to you, leave rights are as stated in policy numbers 381, 382, 383 and 384.

An employee is eligible under the Federal Family and Medical Leave Act (FMLA) if:

1. The employee has been employed by the School for at least twelve (12) months;
2. The employee has worked a minimum of 1250 hours during the twelve (12) month period before the leave is requested; and
3. The employee is employed at a School worksite which employs fifty (50) or more employees, or the total number of employees within 75 miles of the worksite is fifty (50) or more at the time the request is made.

Even though the School may be a covered employer, employees must meet all three requirements to be eligible.

An employee may take a total of twelve (12) weeks of unpaid leave during the twelve (12) month period described below for any one or more of the following reasons:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter;
2. The placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent of the employee if such spouse, son, daughter, or parent has a serious health condition; or
4. A serious health condition that makes the employee unable to perform the functions of his/her position.

The twelve (12) month period is defined as a "rolling" 12-month period measured backward from the date an employee begins using any FMLA leave.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition which involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;
2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days, that also involves continuing treatment by a health care provider; or
3. Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity for more than three (3) calendar days, or for prenatal care.

documentation prepared by the teacher, informal interviews and seminars or other practical training.

Entry year performance-based assessment:

All beginning teachers employed full time under a three year temporary license, must successfully complete an Entry Year Program and pass a performance-based assessment. The performance-based assessment shall be administered during the first or second year of teaching. Passage of this assessment results in eligibility for the professional license.

Teachers may attempt to complete the Entry Year requirements no more than two times under the provisional license. Failure to successfully complete the Entry Year requirements after the second attempt will result in the loss of the provisional license until such time as the candidate completes additional coursework, supervised field experiences, and/ or clinical experiences as designated by a college or university approved for educator preparation.

The Entry Year Program and assessments for beginning administrators shall be implemented based upon guidelines and timelines established by the Florida Department of Education in consultation with practicing administrators and other stakeholders.

R.C. 3314.03; OAC 3301-24-04

317

Teacher Aides

Prior to employment teacher aide applicants must submit the following documents:

- A. Application for employment;
- B. Written references and recommendations for employment;
- C. Copy of a valid Teacher Aide Permit as required by law;
- D. An application for the completion of a criminal background check as required by Florida Revised Code 109.572 and 3319.39. Employees will be employed on a conditional basis pending receipt of a successful background check. Every employee must undergo a criminal background check. Certain convictions as outlined in Florida Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the Head of School's office or from his/her designee.

Teacher Aides must possess both physical and mental health to be able to fulfill the duties of employment or the continuation of employment.

Teacher Aides may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for any specific position, including but not limited to all those required by federal and state laws.

R.C. 3319.088.

318

Other Employees

Prior to employment applicants for other positions must submit the following documents:

- A. Application for employment;
- B. Written references and recommendations for employment;

- C. Copies of any specific license or certificate as may be required by law or by the Board or the School administration for the position sought;
- D. An application for the completion of a criminal background check as required by Florida Revised Code 109.572 and 3319.39. New employees will be employed on a conditional basis pending receipt of a satisfactory background check. Every employee must undergo a criminal background check. Certain convictions as outlined in Florida Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the Head of School's office or from his/her designee.

Employees must possess both physical and mental health to be able to fulfill the duties of employment or the continuation of employment.

Employees may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for the position.

319 **Employment of Substitute Teachers**

Substitute teachers must possess a valid substitute teacher certificate as required by law. If an applicant can provide evidence that application for a substitute teacher certificate has been made, that person may be employed conditionally for up to 60 days pending receipt of the certificate. If a certificate is not obtained within that period of time, employment will be terminated. All substitute teachers must make application for a criminal background check required by Florida Revised Code 109.572 and 3319.39. Every employee must undergo a criminal background check. Certain convictions as outlined in Florida Law will prohibit an individual from being employed in a public School. A listing of the disqualifying offenses may be obtained from the School Head of School's office or from his/her designee. New substitute teachers are employed on a conditional basis pending receipt of a satisfactory background check.

R.C. 3319.226; R.C. 3319.36; R.C. 3319.101; 1964 O.A.G. No. 903.

SECTION 380

TIME OFF FROM YOUR JOB

381 **Personal Leave**

Full time employees will be allotted a number of paid personal days as follows: 1st year – 3 days per annum; 2nd year – 5 days per annum; 3rd year – 7 days per annum; 4th year and on – 10 days per annum. Extra personal leave may be negotiated for administrators as per their contract. Personal leave time will not accrue at regular intervals nor will unused leave roll over to the next contract year. Employees who are terminated or resign are not paid for unused personal leave.

Use of paid time off should be requested as far in advance as possible. An employee absent due to illness must notify the Head of School and/or the CFO as soon as possible and no later than 1-1/2 hours prior to the opening of School. Failure to promptly and properly notify School administrators may result in disciplinary action and the absence being counted as time off without pay. Upon return to duty the employee must complete a Readmission Form to be submitted to the CFO who will approve the return to work and forward it to the School Treasurer. Failure to promptly complete the Readmission form may result in disciplinary action and/or denial of pay for personal time off.

R.C. 124.386.

382 **School Holidays**

Holidays in accordance with the school calendar are not considered work days of the staff. This policy is subject to the terms of each individual employee's contract. Independent contractors will not be paid for school holidays nor any other benefits, vacations, paid time off or insurance.

383 **Medical Leave of Absence**

If an employee is unable to physically or mentally perform his or her job they may request an unpaid medical leave of absence. This should be done in concert with the recommendations of a physician(s). Medical leaves of absence must be reported to the Board. While on medical leave the employee shall not accumulate personal leave, health insurance shall not be continued by the Board and the employee shall not take other employment. Employees may elect to pay the cost of health insurance during a period of approved leave.

384 **Jury Duty and Military Leave**

Jury Duty Leave

Contracted employees who are selected for jury duty will be excused for the duration of the leave and receive their normal pay for each day they serve, for up to two weeks. The employee must forward their jury duty pay to the Chief Financial Officer. Independent Contractors will not be paid for time off due to jury duty leave.

R.C. 2313.18; R.C. 3313.211.

Military Leave

TOKLA observes all applicable laws concerning military leave and re-employment rights following military training and service.

as defined by law-are exempt from the law requiring payment for overtime work. Exempt employees are responsible for working as many hours as necessary to get the job done and are not offered to overtime pay. At hire you will be notified of your exempt or non-exempt status.

Overtime hours will not be worked unless pre-approved by the Chief Financial Officer or the CEO of Learning Concepts. If overtime payment is abused, this may be grounds for dismissal.

29 U.S.C. 207(a)(1) – (2); R.C. 4111.03.

375 **Salary Deduction Policy**

It is our policy to comply with the “salary basis” requirements of the Fair Labor Standards Act. Therefore, we prohibit the School from making any improper deductions from the pay of exempt employees. We want employees to be aware of this policy and that the School does not allow deductions that violate the FLSA.

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, the School is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

If you believe that an improper deduction has been made from your salary, you should immediately report this information to the Head of School. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

29 C.F.R. § 531, et. seq.

376 **Paychecks**

All staff must have a completed personnel file in order to receive a paycheck. Payment will not be commenced for any employee whose file is incomplete. Any employee who is concerned about the status of their personnel file should speak to the Director of Personnel and/or the Chief Financial Officer.

All salaried staff who have signed a contract will receive a paycheck on the 15th and last day of every month for the term of their contract. Payment will only be given as long as the terms of the contract are upheld.

SECTION 320

EMPLOYMENT STATUS/PERSONNEL FILES

321 **Full-Time Employee**

A full-time employee is one who is expected to regularly work an average of no less than 40 hrs. per week.

Fair Labor Standards Act; R.C. 3319.086.

322 **Part-Time Employee**

A part-time employee is one who is expected to work less than 40 hrs/week on average.

Based upon scheduling needs and fluctuating work demands TOKLA may employ temporary or seasonal employees. While all policies and procedures will apply equally to temporary and seasonal employees, no fringe benefits are offered unless specifically indicated in writing upon hire.

Fair Labor Standards Act (29 USC § 201 et. seq.); R.C. 3319.086.

323 **Outside Activities**

During School hours employees are prohibited from engaging in personal activities and associations that may be in conflict with the interests of the TOKLA. Examples of such activities include, but are not limited to private enterprises with competitors or vendors, campaigning for a candidate for political or elected office, and soliciting fees for private tutoring of students. Staff members who have any question regarding a potential conflict of interest should confer with the Head of School or his/her designee.

324 **Access to Personnel Files**

TOKLA maintains personnel files on each Employee. These files will contain the following information: application for employment; resume; copies of personal references; job evaluations; professional credentials or certification; copies of performance appraisals, disciplinary warning notices, letters of commendation, and any reports related to the Employee.

To ensure that personnel files are up-to-date at all times, it is the responsibility of each Employee to promptly notify management of any changes in name, telephone number, home address, marital status, change in legal name, addition or deletion of dependents, change in beneficiaries, change in Federal or State tax deductions, scholastic achievements, the individuals to notify in case of an emergency, or other relevant personal information.

Personnel files are the property of TOKLA, and access to the information they contain is restricted. Generally, management personnel of TOKLA who have legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Head of School or his/her designee. With reasonable advance notice, Employees may review their own personnel file by appointment.

325 **Access to Other Files**

COMPENSATION AND BENEFITS

325.1 **Public Records**

Public records are recorded accounts or information that are kept by the School for the conduct of School business and instruction. Any person may inspect the public records of the School during regular business hours of the office in which such records are kept, provided adequate advance notice is given to the custodian of the records. A School employee or representative will be present during the inspection of the records. A person may purchase copies of the School's public records upon payment of a fee, which is equal to the exact cost of making the copies. The School's public records may not be removed from the School except by a School employee who is authorized to do so.

R.C. 149.43.

See also Policy No. 147 Public Records Policy and Policy No. 147.1 Records Retention and Disposal Policy.

325.2 **Student Records**

Student records will be collected and maintained in the School office. These records shall be available only to Students, their Parents, legal guardians or School officials who have a legitimate educational or instructional purpose for the records. Both Parents shall have equal access to their child's records unless a court has ordered otherwise. Upon receiving notification that a student has transferred and when the new school requests student records, the School will forward the records to the new School. Copies may be made of a student's record if requested by a Parent or court appointed guardian. The Head of School or his/her designee shall maintain a log of persons who have accessed School records and the specific record(s) which were inspected or copied. A School employee shall be present during the inspection of the records.

R.C. 3319.321.

See also Policy No. 294 Student Records and Release of Information and **Appendix T** Authorization to Release Information Form.

325.3 **Confidentiality of Records**

If the TOKLA receives information as confidential from a public agency the School will maintain the confidentiality of such information unless directed to do otherwise by a court of law, to the fullest extent permitted by law.

R.C. 149.43.

See also Policy No. 147 Public Records Policy; Policy No. 147.1 Records Retention and Disposal Policy; Policy No. 294 Student Records and Release of Information and **Appendix T** Authorization to Release Information Form.

326 **Professional Relationships**

326.1 **Parent-Staff Communications**

TOKLA believes that parents are the most significant adults in a child's life. We strive to create mutual respect between parents and staff members. The doors at the TOKLA are

371 **General Policy**

The School strives to establish pay levels that are competitive with those of similar Schools in our area. The School's goal is to attract excellent staff-one of our School's most valued assets. Adjustments may be made by the Board, taking into consideration past performance, experience, market availability, job responsibilities, etc.

372 **Scheduling**

The hours worked will be established and changed as necessary to meet the needs of the School and its students. A general description of School and work hours will be announced at the beginning of the School year. This schedule may change from time to time as necessary.

373 **Recording Work Time**

TOKLA staff may be required to use a time log sheet signed off daily by their immediate supervisor to accurately record their arrival and departure time.

Employees who maintain an independent contractor status may be required to fill out a time log sheet and attach it to their invoices by the 1st of every month. Employees are to record their daily arrival and departure times on the time log sheet. Employees are responsible for accurately completing the time sheet and having their supervisor endorse it on a daily basis. Time log sheets will be checked against employee contracts and employment agreements to ensure that the employee is working the requisite number of hours. If a discrepancy occurs, payment may be withheld that month until the issue is resolved.

TOKLA employees who work outside of the facility are required to fill out a time log sheet and turn it in to their designated supervisor by the 1st of every month. Employees are to record their daily arrival and departure times on the time log sheet. Employees are responsible for accurately completing the time sheet and having their supervisor or a family member of the student whom they are tutoring sign off on it on a daily basis. Supervisors are responsible for verifying the accuracy of staff arrivals and departures. If a supervisor reports a discrepancy about the time recorded on a time log sheet to the financial office, payment may be withheld that month until the issue is resolved.

Instructions on how to complete your time log sheet will be given at staff orientation. Employees are not to complete any other employees' time log sheet nor may they clock another employee in or out.

20 USC 211(c).

374 **Overtime Pay**

As defined by law, nonexempt employees receive overtime pay for hours worked beyond 40 in a workweek. Overtime is defined as any hours in excess of 40 hours accumulated during the normal work week which is Sunday through Saturday. Overtime hours are paid at time and one half. A substantial amount of overtime is available to employees with good attendance and work performance.

Under federal law, exempt employees-generally speaking, salaried executive, professional, and administrative employees, as defined by law, and outside sales persons,

appears warranted but the supervisor needs time for an investigation to be conducted to determine if discharge is actually warranted. In any event, suspension is for a specified period and, except for exceptional circumstances, without pay.

Step 4: Discharge

If prior measures fail to correct a problem, the final step in the progressive discipline procedure is termination. If the supervisor is satisfied that discharge is appropriate, and the Head of School or his/her designee concur, discharge should be initiated. The circumstances that led to the decision to discharge the employee should be documented by the supervisor.

R.C. 124.34.

363 **Termination**

In certain circumstances, TOKLA will choose to be an "At Will" employer and as such an employee may be terminated without cause. Whether an employee is "at will," or, serving under a contract that requires cause for termination, listed below are some reasons which may result in an employee being terminated. This list is not intended to contain all possible reasons for termination.

- Theft or Dishonesty;
- Intentional destruction or unauthorized use of School property;
- Falsification of School Records;
- Unacceptable work performance, including irregular or tardy attendance;
- Willful violation of School policies or property;
- Unacceptable attendance record;
- Providing inappropriate assistance to students on standardized tests and proficiency tests;
- Threatening, harassing, assaulting or abusing any student, employee or visitor;
- Fighting, physical violence and verbal abuse;
- Possession of firearms or explosives;
- Violation of the drug, alcohol and/or smoking policies;
- Intoxication or use of alcohol on School property;
- Use, sale or possession of unlawful drugs on School property
- Sleeping on duty;
- Neglect of duty and disruption of others;
- Insubordination;
- Abuse or inappropriate access of confidential information;
- Willful violation of School safety or security regulations.

364 **Resignation**

When an employee wishes to resign he/she must submit their resignation in writing at least 30 days prior to the effective date.

open to parents at all times. Staff is expected to conduct themselves in a professional manner on all occasions.

During the year, TOKLA will sponsor events that parents will be encouraged to participate in and most staff will be required to attend.

326.2 **Staff-Staff Communications**

A cooperative team effort is encouraged among staff. All staff are expected to conduct themselves in a professional manner at all times and to adhere to a professional code of ethics. Good communication between staff members is essential in order for positive working relationships to flourish. Should a staff member have a concern or question about the actions of a fellow staff member, he/she is encouraged to get together with that staff member and discuss the issue(s). If the concern or question cannot be adequately settled among the staff members, then it is important for the staff members to get together with their supervisor to discuss the issue(s).

326.3 **Board-Staff Communications**

Staff members report directly to their immediate supervisor regarding administrative and instructional issues. The Head of School or his/her designee reports to the Board of on all issues, which affect the operation of the School, and on any other concerns regarding the School.

All communications from TOKLA staff members to the Board should be submitted through the Head of School or his/her designee. This procedure shall not deny any employee the right to appeal to the Board through established procedures. The appropriate forms to initiate a communication or an employee grievance may be obtained from the Head of School or his/her designee.

326.4 **Confidentiality**

TOKLA is a professional work environment. We expect our employees to behave in a manner that reflects this. You are not to discuss your wages with anyone other than the CEO of the school.

Parental issues/concerns are always a sensitive matter. Do not discuss any information talked about in a parent/teacher conference or correspondence with anyone, including your co-workers. If you feel that there is information you need to share about a certain situation, please speak with the Head of School first.

Issues with students are also a sensitive matter. Do not discuss any personal information about a student with anyone, including your co-workers. If you feel that there is information that you need to share about a certain situation, please speak with the Head of School first.

Violation of this policy could result in disciplinary action, as outlined in Policies 361, 362, and 365.

327 **Obligations of Employment**

327.1 **General Policy**

As a member of the staff of TOKLA each employee will be required to fulfill certain periodic obligations. This section is meant to outline some of the periodic responsibilities the staff of TOKLA will be required to fulfill and is not meant to be a comprehensive list.

Failure to meet these requirements may be grounds for dismissal as outlined in Polices 361, 362, and 363.

327.2 Periodic Documentation

Teachers

Lesson Plans: Educators are required to create weekly lesson plans. Each educator is required to follow the lesson plan template provided to them. Educators are required to turn in their lesson plans to their assigned supervisor on the Friday prior to the week outlined in the lesson plan. The Head of School or his/her designee will periodically ask to review the lesson plans.

In the event that a teacher is absent, each center-based teacher, tutor, and aid must have a substitute folder on hand at the school. Included in that folder should be a detailed DAILY lesson plan for their substitute to follow, a class roster, a class schedule, a list of any materials they may need for the day and how to obtain them, and any other additional information necessary to assist the substitute for that day.

Quarterly Interim Progress Reports: Every educator that teaches grades K – 12 is required to fill out a first quarter interim progress report for each of their students. In subsequent quarters each teacher may be required to fill out an interim progress report for each student or only for those students who are receiving a mark of “unsatisfactory” for students in grades K-3 or who are receiving a grade of “C” or below in grades 4-12. The latter will be determined under the discretion of each program’s direct supervisor.

Interim progress reports are to be turned in to the assigned supervisor. The deadlines for turning in the quarterly interim progress reports are noted in the teacher calendar. There are no exceptions for late progress reports.

Report Cards: Every educator assigned to a student is required to fill out a TOKLA Report Card for that student at the end of every quarter. Report cards are to be turned in to the assigned supervisor. The deadline dates for turning in the report cards are noted in the teacher calendar. There are no exceptions for late report card.

IEP Progress Reports: Every educator that has a student on an IEP is required to fill out an IEP Progress Report at the end of every quarter. The IEP Progress Report is to be turned in, along with the student’s report card, to the assigned supervisor at the same time. The deadlines for IEP Progress Reports are the same as the deadlines for report cards. These dates are noted in the teacher calendar. There are no exceptions for late IEP Progress Reports.

IEP Goal Form: The nature of the close relationship between an educator and a student puts them in the best position to be able to determine the educational needs of the student. Therefore, it is they who are required evaluate the progress and goals of their students on an IEP. The IEP coordinator may require the student’s educator to assist in creating or adjusting specific goals stated in the IEP.

327.3 Attendance Required Events

TOKLA has several mandatory events, meetings, and professional development opportunities that it provides to its staff. Failure to attend such scheduled events can be cause for dismissal.

Weekly Team Meetings: Program supervisors are required to hold a weekly team meeting with their educators to ensure that all school requirements are being met. This is also a

SECTION 360

EMPLOYEE MISCONDUCT, DISCIPLINE AND TERMINATION

361 Employee Discipline

The School is committed to establishing and maintaining supervisory practices and procedures that support effective operations in the interest of the organization and its employees. Such procedures may include the administration of disciplinary action to assist employees in overcoming work-related problems, performance deficiencies, or behavior that violates the School's policies, practices, and procedures.

Although the School maintains a progressive disciplinary procedure, circumstances may warrant disciplinary action outside of the progressive procedure. For example, the progressive procedure may not be appropriate: (1) when the conduct at issue involves severe performance deficiencies, performance problems related to skill or ability, or certain types of inappropriate conduct; (2) when the initial steps of progressive discipline do not assist the employee in correcting the problem; (3) when the employee occupies a position requiring the exercise of effective management and leadership; or (4) when the employee's actions, or inactions, may seriously impair the School's ability to carry out its mission. If the School determines that these, or similar circumstances exist, the School may determine that the progressive disciplinary procedure is inappropriate. Moreover, under certain circumstances, a supervisor may determine that although the procedure should be utilized, certain steps in the procedure should be omitted or repeated.

362 Disciplinary Procedure

Step 1: Oral Discussions and Warning

The initial step of the progressive disciplinary procedure is for the supervisor to discuss the problem with the employee as soon as possible after the incident or awareness of the problem occurs. The supervisor should discuss the problem, suggest ways to improve or to correct the problem, and identify a time period for corrective action.

Step 2: Written Warning

The second step is for the supervisor to provide the employee with a written warning. The step is generally taken when the initial step does not correct the problem, although a supervisor may determine that a written warning is warranted as the initial step. When a written warning is given an employee, the supervisor should meet with the employee, outline the problem, suggest ways to improve or correct the problem and identify a time period for corrective action. The specifics of this discussion should be documented in a letter or memorandum that is provided to the employee and forwarded to the Head of School or his/her designee of the School for placement in the employee personnel file. A copy of the letter or memorandum should also be initialed by the employee. If the employee refuses to sign it, this should be documented by the supervisor.

Step 3: Suspension

Although not generally a step in the progressive disciplinary procedure, suspension may be appropriate as the third step. If utilized at all, suspension is generally limited to two circumstances. First, a supervisor may determine that suspension should be used as a corrective measure to emphasize the seriousness of a problem. Second, suspension may be used because discharge

Reduction of Staff

The Board reserves the right to eliminate positions and reduce staff as deemed necessary. The Head of School or his/her designee shall make recommendations for staff reduction and report them to the Board.

time to discuss lesson plans, concerns with students, and address any other issues that may need addressing.

Weekly Administrator Meetings: Head administrators (e.g., Director of Pupil Services, Head of School, Program Directors, Director of Enrollment etc.) will hold weekly team meetings to ensure all school requirements are being met. This is also a time to address any educational issues and concerns.

IEP Meetings: Educators who work with special education students may be asked by the IEP coordinator to attend IEP meetings to address the needs and issues of the student.

In-services, Workshops, & Professional Development Events: All staff is required to attend any TOKLA in-service, workshop, or professional development event that is relevant to them. Staff will be informed on which events they are expected to attend in writing at least one (1) week prior to the scheduled event.

Other Events: TOKLA has scheduled several events that it will host through out the school year that may or may not take place during the designated school day (e.g. orientation, open house, parent/teacher conferences, art/academic fair, etc.). Staff is required to attend the events that are relevant to them. Many, but not all, of these events are noted in the school calendar. It is the employee's responsibility to reference the calendar for already scheduled events. Employees will be informed in writing of those events not listed in the school calendar. Staff will be informed on which events they are expected to attend in writing at least one (1) week prior to the scheduled event.

327.4 Attendance and Absences

Regular and punctual attendance is an essential requirement of teachers, tutors, aids, and all other TOKLA staff. The success of the school is largely based upon your daily presence, which ensures the continuity of instruction and classroom participation. Your regular contact with the students is vital to their progress. For these reasons, we expect you to show up to work daily and on time.

Employees will record their attendance on time log sheets provided by the TOKLA staff. You are required to turn these time sheets in to the designated supervisor by the 1st of every month. There are NO EXCEPTIONS to this policy.

All TOKLA employees must notify their most immediate supervisor if they are going to be absent.

Unexpected Absence must be called in to an employee's most immediate supervisor as early as possible on the first day of their absence – preferably at a minimum of sixty (60) minutes before the work day begins. The employee must call in each day that the employee knows they will not be attending work. If it is possible for the employee to schedule a return to work date (e.g. in the case of absence due to bereavement) this should also be done.

Anticipated or planned absences must be scheduled with an employee's immediate supervisor at least three (3) days in advance of the expected time off.

All TOKLA employees must fill out and turn in an Absence Request/Report form to their immediate supervisor. An Absence Request/Report form must be turned in to an employee's immediate supervisor at the time of scheduling for an anticipated or planned absence and within three (3) days of the employee returning to work.

If the absence policy is not followed, the absence will be considered un-excused. For the first un-excused absence, a written warning will be given. For the second un-excused

absence, an employee will be placed on probation. If there is a third un-excused absence, the employee may be dismissed.

SECTION 350

SCHOOL STAFFING, ORGANIZATION AND TRAINING

351

General Policy

On a regular basis the Head of School or his/her designee will review the staffing, training and organization needs of the TOKLA for the purpose of recommending changes, if needed, to the Board.

352

Staff Development

The teaching staff of the TOKLA is encouraged to continue their professional growth through a variety of activities. Teachers and Teacher Aides will attend in-service training which is conducted throughout the School year. Absence requests must be submitted to the Head of School or his/her designee for prior approval.

353

Performance Evaluation of Staff

Every staff member, both certificated and non-certificated will receive one formal performance evaluation during the year which will incorporate all ongoing assessments (observations) made frequently throughout the year. Such assessments will include, but not limited to, the student performance outcomes.

The performance evaluation process is designed to provide the information employees need in order to maintain or improve their performance. The results of the performance evaluation will be used to assess continued employment and the level of compensation for the following year. All evaluation documents shall be dated and signed by the evaluator and the person being evaluated.

354

Performance Coaching

Following an employee evaluation, if the Head of School or his/her designee determines that the employee's performance does not meet the standards of the TOKLA the Head of School or his/her designee may engage the employee in the Performance Coaching Process. This process shall not interfere with the School's right to terminate an employee.

1. The Head of School or his/her designee will meet with the employee to discuss the performance concern(s) and to identify ways to improve the employee's performance. This discussion must be documented and include specific measurable performance objectives that the staff member must meet within a specified time. The date and time of the next meeting will be established before the meeting is concluded.
2. If the employee does not meet the objectives by the time of the second meeting or if improvement is not sustained, then at the discretion of the Head of School or his/her designee, a second plan similar to the first may be devised or the Head of School or his/her designee may elect to proceed to step 3 (below). This meeting also must be documented.
3. If the employee's performance still does not improve or is not sustained at a level satisfactory to the Head of School or his/her designee, then appropriate action may be taken which could include termination.

348.2 Emergency School Closing/Inclement Weather

The School will follow the decisions of the Head of School or his/her designee regarding weather-related closings. Information about the School closing will be posted on the School telephone system. The Head of School or his/her designee may close the School, delay the opening of the School, or dismiss School early when such actions are required for the protection of the health and safety of students and employees. In the event School is closed no School related activities will be held.

SECTION 330

ETHICAL BEHAVIOR

330.1 General Ethical Behavior

The TOKLA requires exemplary moral and ethical standards of conduct by its employees. The Board also requires that all employees maintain high standards in interpersonal relationships with other employees, parents, visitors and with students.

A public school teacher may not (1) authorize or use his/her position as a teacher to secure authorization of a contract of the Board in which he/she or their family members or business associates have an interest (2) profit from a School contract he/she authorize unless it was awarded to the lowest and best bidder after a competitive bid, or, (3) have an interest in the profits or benefits of a School contract other than his/her own employment contract.

R.C. 102.04(C), R.C. 2921.42, R.C. 2921.43.

See also Policy No. 114 Ethics and Conflicts Policy.

331 Use of Alcohol and Drugs

Persons subject to the terms of this policy and the testing procedures are as follows:

- A. All employees of the School and its subsidiaries.
- B. All employees of temporary employee agencies or employee leasing services assigned to perform work for or on behalf of the School or its subsidiaries.
- C. All employees of contractors providing services at School locations or at other locations on behalf of the School.
- D. All applicants for employment with the School and its subsidiaries.

The policy of the School prohibits possession of, use of, or being under the influence of alcohol or illegal drugs or other controlled substances during working hours, on School property at School programs, or School activities, in any facility maintained by the School, or in School-supplied vehicles.

Employees of the School and its subsidiaries are its most valuable resource and for that reason, their health and safety is of paramount concern. The School will not tolerate any alcohol or drug use which imperils the health and well-being of its employees or threatens its business. The use of illegal drugs and abuse of other controlled substances, on or off duty, is inconsistent with the law-abiding behavior expected of all our employees. Employees who use illegal drugs or abuse other controlled substances, on or off duty, pose a risk to their own health and safety, as well as that of other employees. Such employees also tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay, and risk in the School's business. Employees have the right to work in a drug-free environment. In addition, alcohol and drug abuse inflicts a toll on the nation's productive resources and the health and well-being of American workers. The School is, therefore, committed to maintaining a safe workplace, free from the influence of alcohol and drugs.

U.S. Const. Amend. IV, XIV; Oh. Const. Art. 1 §14; R.C. 2925.03; R.C. 3319.20; R.C. 4123.34.

331.1 Use of Over-the-Counter Medicine and Authorized Use of Prescription Medicine

Employees using over-the-counter medication or medication prescribed by a physician are expected to discuss potential side effects with a physician. An employee using any drug which may alter his or her physical or mental ability must report this treatment to the Head of School or his/her designee, who will determine whether the School should temporarily change the employee's job assignment during the period of treatment.

331.2 Prohibitions

The School's policy prohibits the following:

- A. Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs, alcoholic beverages, and tobacco products on School premises or School business, in School-supplied vehicles, or during working hours.
- B. Unauthorized use or possession, or any manufacture, distribution, dispensation, or sale of a controlled substance on School premises or any facility maintained by the School, in School-supplied vehicles, or during working hours.
- C. Use, manufacture, distribution, dispensation, possession, storage, or any sale of alcohol or illegal drugs or controlled substances on School premises or School business, in School-supplied vehicles, or during working hours.
- D. Being under the influence of alcohol or a controlled substance or illegal drugs on School premises or School business or at any facility maintained by the School, in School-supplied vehicles, or during working hours.
- E. Use of alcohol off School premises that adversely affects the individual's work performance, his own or others' safety at work, or which the School regards as adversely affecting its reputation in the community or with its customers.
- F. Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off School premises.
- G. Switching or adulterating any urine, blood, or other sample submitted for testing.
- H. Refusing consent to testing or to submit a urine, blood, or other sample for testing when requested by management.
- I. Refusing to submit to a search when requested by management in accordance with this policy.
- J. Failure to adhere to the requirements of any alcohol or drug treatment or counseling program in which the employee is enrolled.
- K. Arrest or conviction under any criminal drug law.
- L. Arrest or conviction under any law prohibiting driving under the influence of alcohol or other drugs.
- M. Failure to notify the School of any arrest or conviction under any criminal drug law or laws prohibiting driving under the influence of alcohol or other drug, within five (5) days of the arrest or conviction.

344 Injuries

The main office, specifically the reception area, shall have a first aid kit for treating minor injuries. Minor scratches and cuts may be attended to in the classroom or School office. When a student is more seriously injured, the Head of School or his/her designee shall contact the parent or guardian. If medical treatment is indicated, appropriate steps shall be taken. The child's health form should be taken from the file and be available for examination. Teachers shall not administer medication to students.

Once the squad is called, they have the authority to determine if transport to a hospital is needed. The School shall notify the parent or guardian regarding the accident and the action taken.

345 Special Medical Needs

Parents are responsible for notifying School officials if a student has any special medical needs. TOKLA personnel will not address any needs requiring the services of a trained professional. In most instances, the special medical needs will result in limited participation in certain activities and classes rather than any treatment being administered. In all instances the Head of School or his/her designee will make the final decision as to how the School will handle any special needs requests.

346 Student Abuse and Neglect

Any employee who knows or suspects child abuse or neglect shall immediately report the suspicions to the Head of School or his/her designee. The Head of School or his/her designee shall then investigate and, if necessary, contact the appropriate authorities. The identity of the Staff member shall be kept confidential to the fullest extent permitted by law. The identity of the Student and any information pertaining to the situation shall be kept confidential.

R.C. 2151.421; R.C. 3319.073.

See also Policy No. 229 Child Abuse and Neglect.

347 Student Transportation by Private Vehicle

Employees may only transport TOKLA students in their private vehicles if a consent and waiver has been signed by the Parent and authorized by the Head of School or his/her designee.

TOKLA will not make nor take any responsibility for such arrangements nor will TOKLA be liable for damages, injury to persons or property, harm, or loss of any kind to Students or Employees.

348 Emergency Procedures

348.1 Emergency School Evacuation

The School has a written and posted set of procedures which will insure the health and safety of students and employees in the event an evacuation of the School is necessary.

See also Policy No. 424 Emergency Preparedness and Evacuation of School Buildings; **Appendix LL** Health Plan Emergency Drills and Safety Drills; Policy No. 429 Bomb Threat Procedures; **Appendix NN** Bomb Threat Form and Checklist; and Policy No. 448 School Safety Plan.

vehicle, or at a School sponsored event is prohibited and shall result in suspension or dismissal of the Student or the Staff member.

Pursuant to the Florida laws, each staff member shall report immediately to the Head of School or his/her designee any sign of suspected child abuse or neglect. The Head of School or his/her designee shall follow required procedures for reporting suspected child abuse or neglect to proper legal authorities.

342 **General Safety Rules**

The School has written and posted fire, tornado and emergency safety procedures. These procedures are reviewed with Students and Staff members.

Students shall not be left unattended. If a teacher leaves the classroom another Staff person must be left in charge.

In-class projects, experiments and similar activities, which could have some measure of potential danger, must first be approved by the Head of School or his/her designee. If approved, the Staff member must provide intensive close supervision of the project.

Chemicals and chemical products shall be secured and placed in locked storage units. (See School procedure manual for further specific actions to be taken regarding hazardous chemicals).

Personal Property

The TOKLA does not provide lockers in which staff may store personal items. Employees are encouraged to keep personal property with them or in their classroom stored in a locked cabinet/drawer. TOKLA will not reimburse an employee for any personal item that been lost or stolen.

See also Policy No. 424 Emergency Preparedness and Evacuation of School Buildings, **Appendix LL** Health Plan Emergency Drills and Safety Drills; Policy No. 429 Bomb Threat Procedures; **Appendix NN** Bomb Threat Form and Call Checklist; Policy No. 441 OSHA Compliance/Risk Reduction Programs; Policy No. 444 Hazard Communication Program; Policy No. 445 Toxic Hazards and Asbestos Hazards; Policy No. 448 School Safety Plan.

343 **Reporting Accidents**

All accidents on School property, on School transportation and at School-sponsored events must be reported to the Head of School or his/her designee immediately. An accident report form must be completed as soon as possible following the accident and turned into to Head of School or his/her designee. These reports will be compiled, summarized and submitted to the Board quarterly. See **Appendix MM** for accident/incident reporting form.

R.C. 4123.51 and R.C. 4123.511.

See also Policy Nos. 427 Accidents to Students and **Appendix MM** Form for Reporting Accidents to Students, Policy No. 405 Emergency Medical Procedures, Policy No. 409 Control of Blood-Borne Pathogens, Policy No. 410 Hand-Washing Procedures, Policy No. 411 Head Lice Infestation Administrative Procedures and Policy No. 412 Infectious Disease Policy.

N. Refusing to sign a statement agreeing to abide by the School's Alcohol and Drug Abuse Policy.

O. Refusing consent or refusing to submit to pre-employment testing.

R.C. 2925; R.C. 2925.03.

331.3 **Searches**

A. Whenever the School has reason to believe that an employee's work performance or on-the-job behavior may be affected by alcohol or drugs, the School may search the employee, the employee's locker, desk, or other School property under the control of the employee, as well as the employee's personal effects or automobile on School property or any facility maintained by the School.

B. Whenever the School has reason to believe that an employee possesses alcohol or drugs on School premises, the School may search the employee, the employee's locker, desk, or other School property under the control of the employee, as well as the employee's personal effects or automobile on School property or any facility maintained by the School.

U.S. Const. Amend. IV, XIV; Oh. Const. Art. 1 §14.

331.4 **Consequences for Violation of this Policy**

A. Violation of the School's Alcohol and Drug Abuse Policy may result in severe disciplinary action, including discharge, at the School's sole discretion.

B. In addition to any disciplinary action, the School may, in its sole discretion, refer the employee to a treatment and counseling program for alcohol or drug abuse. The Head of School shall determine whether an employee it has referred for alcohol or drug treatment and counseling should be temporarily reassigned to another position.

C. The School will promptly terminate any employee who tests positive for alcohol or drugs while undergoing treatment and counseling for alcohol or drug abuse, regardless of whether such treatment and counseling is voluntary or required by the School.

D. The results of, or an employee's refusal to submit to, any chemical/drug/alcohol test described herein may, in addition to any disciplinary action imposed, disqualify an employee from receiving compensation and benefits under Florida's workers' compensation laws.

331.5 **Testing**

A. Whenever the School has reason to believe that an employee's work performance or on-the-job behavior may be affected in any way by alcohol or drugs, the School may require the employee to submit a urine, blood, or other sample for testing.

B. The School will afford employees subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty (30) days and to explain the circumstances surrounding the use of such drugs.

- C. Employees subject to testing must sign an approved form consenting to the testing and consenting to the release of the test results to the School. Refusal to sign the consent form will be considered refusal to be tested and will result in discharge and may result in denial of workers' compensation benefits.
- D. The School, prior to taking any action, will give all applicants and employees who test positive the opportunity to explain in writing the test results.

331.6 Types of Testing

All employees are subject to the following types of testing:

- A. Post-Accident Testing
 - 1. Alcohol and drug testing is required of employees whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Because alcohol does not remain in the body for extended periods of time, testing will be done as soon as possible.
 - 2. Reportable accidents that require testing include:
 - a. Death of any person.
 - b. Bodily harm to any person resulting in one or more of the following:
 - (i) Loss of consciousness
 - (ii) Necessity to carry person from the scene
 - (iii) Necessity for medical treatment (beyond first-aid)
 - (iv) Disability which prevents the discharge of normal duties or pursuit of normal activities beyond the day of the accident
 - c. Explosion or fire.
 - d. Serious damage to the property of the School or others.
 - e. Any event that is serious in the judgment of the School requires testing.
 - 3. If any employee who is subject to post-accident testing is conscious, and refuses to be tested, that person will immediately be placed on suspension, pending further disciplinary action.
- B. Other Testing
 - 1. Alcohol and drug testing of employees will be conducted when there is reason to believe the employee is impaired from the use of alcohol or drugs. A decision to test will be based on specific physical, behavioral, or performance indicators of possible alcohol or drug use. For example, repeated errors on the job, regulatory or

SECTION 340

EMPLOYEE AND STUDENT CARE AND SAFETY

341

Staff Student Relationship

Staff members, because of their proximity to students, are frequently confronted with situations which, if handled incorrectly, could result in liability to the School and personal liability to the Staff member. Compliance with the following guidelines will minimize that possibility.

1. Each staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.
 2. A staff member should not voluntarily assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
 3. A staff member shall provide proper instruction in the safety matters presented in assigned curriculum guides.
 4. Each staff member shall immediately report to the Head of School or his/her designee any accident or safety hazard s/he detects.
 5. A staff member shall not send students on any personal errands.
 6. A staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.
- This provision should not be construed as precluding a professional or staff member from associating with students in private for legitimate or proper reasons.
7. If a Student comes to a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the community or the facility who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.
 8. A staff member shall not transport students in a private vehicle without the approval of the Head of School or his/her designee. See Policy No. 347 Student Transportation by Private Vehicle.
 9. A student shall not be required to perform work or services that may be detrimental to his/her health.
 10. Possession of weapons or any device designed to inflict bodily harm by any School employee, Student or visitor while on School grounds, on a School

Homeland Safety Declaration Regarding Material Assistance/ Non- assistance to a Terrorist Organization

Please choose one of the following options:

The employer **IS** a political subdivision or instrumentality of the State of Florida. Therefore, all employees under final consideration for employment, who are hired after April 24, 2006, must complete the Homeland Safety Declaration Regarding Material Assistance/ Non-assistance to a Terrorist Organization for Public Employment which is contained in **Appendix Z**. Hiring of an employee after April 24, 2006 is contingent upon the completion of the form. Additionally, any person, company, affiliated group, or organization or person who holds, owns or otherwise has a controlling interest in a company, affiliated group or organization that conducts business in an aggregate amount greater than one hundred thousand dollars (\$100,000.00), with the employer, must complete the Homeland Safety Declaration Regarding Material Assistance/ Non-assistance to a Terrorist Organization Government Business and Funding Contracts Form which is contained in **Appendix AA**.

The employer **IS NOT** a political subdivision or instrumentality of the State of Florida. Because School Board members have a controlling interest in the School, and the School receives funding in an aggregate amount greater than one hundred thousand dollars (\$100,000.00) annually from the State of Florida, the School Board members must complete the Homeland Safety Declaration Regarding Material Assistance/ Non-assistance to a Terrorist Organization Government Business and Funding Contracts Form which is contained in **Appendix AA**.

If it is **UNCLEAR** whether the employer is a political subdivision or instrumentality of the State of Florida, then the employer may require all employees under final consideration for employment, who are hired after April 24, 2006, to complete the Homeland Safety Declaration Regarding Material Assistance/ Non-assistance to a Terrorist Organization for Public Employment which is contained in **Appendix Z**. Additionally, the employer may require any person, company, affiliated group or organization or person who holds, owns or otherwise has a controlling interest in a company, affiliated group or organization that conducts business in an amount in excess of One Hundred Thousand Dollars (\$100,000.00), with the employer, to complete the Homeland Safety Declaration Regarding Material Assistance/ Non-assistance to a Terrorist Organization Government Business and Funding Contracts Form which is contained in **Appendix AA**.

If all the questions on the forms are answered “no” the School shall retain the forms, which are public records. If any of the questions are answered “yes”, the School must notify the Florida Department of Homeland Security and forward the appropriate form to the agency. A refusal to answer a question is also treated as a “yes” response. Answering the questions untruthfully is a fifth degree felony.

R.C. §§ 2909.21-2909.33.

School rule violations, or unusual time and attendance patterns, could provide evidence to test an employee based on reasonable cause.

2. Any employee who is tested will immediately be placed on suspension pending test results.

3. The School may conduct pre-employment testing.

R.C. 4123.651.

331.7 Medical Examinations

Employees may be required to undergo medical examinations from time to time during their employment if, in the judgment of the School, such examinations are shown to be job-related and consistent with business necessity. A School-designated health care provider may perform examinations or the employee may be required to provide results of a medical examination from the employee's health care provider. The School will maintain employee medical records in a file separate from other personnel records, and access to such medical information will be restricted as allowed or required by law.

R.C. 149.43; R.C. 1347; R.C. 4123.651.

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Physical Examination

New employees, after a conditional offer of employment by the Board, shall be required to pass a full physical examination administered by a physician of the School's choice and must provide proof of satisfactory completion of the employee's health examination to the Head of School or his/her designee. The School's employee health examination form must be completed and turned in no later than ten days prior to the first day of work. The School will reimburse or advance the cost of the physical examination directly to the physician, up to an amount of \$250.00 in total cost per employee.

Any applicant for employment who is found ineligible for service by the health examiner may be refused employment. The School will comply with applicable laws requiring accommodation of qualified individuals with disabilities who are able to perform essential job functions with or without reasonable accommodation(s).

The Head of School or his/her designee may require fitness for duty or other medical examinations of employees in accordance with applicable laws.

Tuberculin Testing - All Employees

A. New employees shall:

1. present documented evidence of having a negative tuberculin test (Mantoux Test 5 TU PPD preferred) within ninety (90) days before the first day of work;

2. if a known positive reactor, have a chest X-ray and other appropriate examinations revealing the absence of tuberculosis in a communicable state within ninety (90) days before the first day of work.

B. Currently employed teachers, administration or staff shall:

1. present documented evidence of having a negative tuberculin test (Mantoux 5 TU PPD preferred) performed no earlier than September 1, 1974, and every third year thereafter;
2. if a known positive reactor, have a chest X-ray annually or if the person has completed a course of preventative therapy or adequate chemotherapy in accordance with guidelines prescribed by the Head of School or his/her designee of the Florida Department of Health, have a chest X-ray at three (3) year intervals;
3. have additional tuberculosis screening at more frequent intervals at the discretion of the local board of health.

42 USC 12112(d); R.C. 3313.71; OAC 3701-15-02-(A) and (B).

333

Weapons in the Workplace

Objective

To create a safe working environment for our employees and students by prohibiting the possession and/or use of weapons in the workplace. The School will not tolerate any weapon possession or use.

Scope

Persons subject to the terms of this policy are as follows:

- A. All employees of the School.
- B. All substitute teachers working in the School.
- C. All employees of contractors providing services on behalf of the School.
- D. All applicants for employment with the School.
- E. All other persons, including visitors, vendors, subcontractors, students, etc.
- F. This policy applies to all persons, except law enforcement personnel on official business, regardless of whether the person is licensed to carry a weapon.

Policy

This policy prohibits possession and/or use of prohibited weapons at any time on School grounds, a School vehicle, or at a School sponsored event.

Prohibited weapons include any form of weapon and any form of explosive restricted under local, state or federal regulation. This includes all firearms, illegal knives or other weapons restricted by the law. If you have a question about whether an item is covered by this policy, please contact the Head of School or his/her designee. You will be held responsible for making sure beforehand that any potentially covered item you possess is not prohibited by this policy.

R.C. 2923.122; R.C. 2923.126.

Prohibitions

The School's policy prohibits:

- A. Use or possession of weapons on School grounds, on a School vehicle, or at a School sponsored event.
- B. Use or possession of weapons while performing any task on the School's behalf.
- C. Refusing to submit to a search when requested by the School in accordance with this policy.
- D. Refusing to sign a statement agreeing to abide by the School's Weapons in the Workplace Policy.
- E. Failing or refusing to report a known violation of this policy.
- F. Failing or refusing to cooperate with any investigation relating to a possible violation of this policy.

Searches

The School reserves the right to conduct searches of any person, vehicle or object on School property at any time and for any reason. Pursuant to this provision, the School is authorized to search lockers, desks, purses, briefcases, baggage, toolboxes, lunch sacks, clothing, vehicles parked on School property, and any other personal effect or item in which a weapon may be hidden. Additionally, the School may search a vehicle owned by it and used by a School employee, a vehicle owned by an employee that is being used to transport students on behalf of the School, and any other vehicle on School grounds or recently on School grounds, regardless of whether the vehicle is located on School grounds at the time of the search or request. The Head of School or his/her designee may conduct searches. To the extent the search is requested by the Head of School or his/her designee or his or her designee, the employee may refuse the search; provided, however that such refusal is a violation of this policy and may result in disciplinary action including termination of employment for refusal to cooperate. The School reserves the right to conduct searches on School grounds and to authorize searches by law enforcement on School grounds without the employee present.

Consequences For Violation of This Policy

- A. Violation of the School's Weapons Policy may result in severe disciplinary action, including discharge, at the School's sole discretion.
- B. Using or possessing a weapon on School grounds in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from School grounds and may result in criminal prosecution.

If you become aware of anyone violating this policy, take no action and immediately report it to your supervisor or to the Head of School or his/her designee.

R.C. 2923.122; R.C. 2923.126.

See also Policy No. 421 Dangerous Weapons and **Appendix Y** Notice Regarding Weapons in the Workplace.