

Training Objectives for

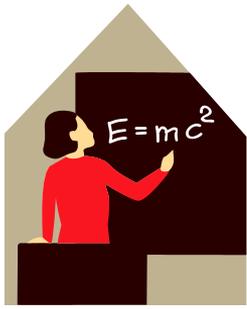
North Kitsap School District Substitute Employees

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



“Different Roles... Same Job”

- Certificated Staff
- Non-Certificated Staff (Classified)
- WAC (Washington Administrative Code)
- RCW (Revised Code of Washington)
- Board Policy
- Policy Procedures
- OSPI (Office of the Superintendent of Public Instruction)



Teacher Responsibilities

WAC 180-44-010

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

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

Confidential Communications

(N.K.S.D. Board Policy 4020)



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

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

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

Regulation of Dangerous Weapons on School Premises

(N.K.S.D. Board Policy 4210)



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

- any firearm
- any other dangerous weapon, including any air pistol or air rifle

Weapons are a true zero-tolerance issue for school districts. NKSD board policy extends the ban to:

- any device that looks like or is alleged to be a firearm,

Employees must not only be aware of the district policy in their personal behavior but also in their professional duties.

Example: Seek the guidance of an administrator when considering the use of real or simulated weapons for such activities as staging a student play or planning student projects.

Keep yourself safe, keep those around you safe, get help.



Investigations

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

- NKSD investigations are conducted by administrators or “outside” or “external” investigators.

Employees must be cautious not to undertake their own investigation or take steps which could undermine the ability of the district or law enforcement to conduct an effective investigation (e.g., don’t release or share information outside of the reporting structure).

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

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

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



Privacy and Search

(For Employees)

Districts have a **right to search on school property**. Automobiles in the school parking lot, and desks and storage areas at school are not immune from search and due process will be followed.

When there is a ***reasonable suspicion*** that dangerous or inappropriate items may be in personal belongings such as briefcases and purses, you can be asked to open them for inspection.

Though you have a right to decline, the district may contact law enforcement officials for assistance. Drugs, alcohol, weapons or contraband have no place in the school setting.

Search and Seizure

(For Students)

Questions for administrators to Consider

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

While the court confirmed students' 4th Amendment rights against unlawful search and seizure, it said school officials can search if they have "**reasonable suspicion.**" This is different and more lenient than the "**probable cause**" police officers must have before searching.

If school officials, in light of all the circumstances, at the inception of the search, have reasonable suspicion that a search will produce evidence that a school rule has been violated, they may search.

School administrators should conduct student searches.

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

Keep yourself safe, keep those around you safe, get help.



Supervision of Students

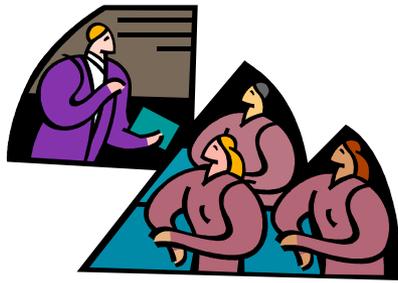
Supervision consists of direct supervision, student accountability, and being observant.

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

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

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

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



Supervision of Students

Considerations for level of supervision

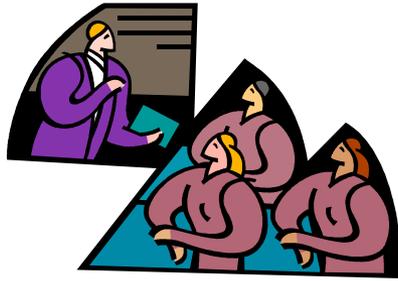
- Activity
- Locale
- Equipment
- Students (behavioral history, age, competence)

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

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

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

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



Supervision of Students

Do you need to be out of the room?

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

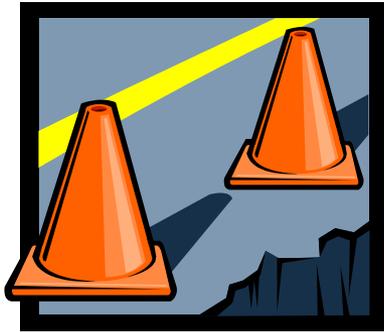
Generally rely on breaks and transition periods for tasks out of the room or student area. When possible, call for an adult to relieve you. A few minutes out of a quiet classroom may be OK if the students are older, engaged, and capable of self supervision and no adult relief is available.

CAUTION!

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

Safety

(On Campus)



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

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

Do not allow students to leave school without parent permission.

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



Drug Free Workplace

(N.K.S.D. Board Policy 5210)



WAC 180-44-060

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

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

Alcohol, drugs and tobacco products are not allowed on school district property.

Possession and/or use of such products is subject to discipline and is often times considered sufficiently serious to warrant bypassing progressive discipline and discharging the employee.

Prescription drugs brought onto district property must be carefully safeguarded by the employee.

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



Technology Ethics

(N.K.S.D. Board Policy 2022)

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

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

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

- Protect the security of your access.
- Do not post student information on web based or other public resources.
- Use of public technology for personal use in other than incidental situations is generally prohibited.
- If an inappropriate site is accidentally accessed, back out of the site and notify your technology supporter.
- Do not use district technology for personal blogging.

Use of E-Mail



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

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

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

REMEMBER:

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



Religious-Related Activities and Practices (N.K.S.D. Board Policy 2340)

What is Unconstitutional?

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

What is Constitutional?

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

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

How To Teach About Religion

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

Hazard Communication Standard

(the Employee-Right-to-Know Law)

- **WAC 296-62-054** The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employers and employees.
- This law provides protection in the workplace for you, the employee, from the hazards of chemicals that could affect your health and safety.

Safety Data Sheets (SDS's)

- The office manager and/or building custodian will be responsible for obtaining and maintaining the data sheet system for the individual buildings.
- Copies of the SDS's for all building hazardous chemicals to which employees of the district may be exposed will be kept in the building main office.
- All employees shall refrain from obtaining or using any chemical(s) except those supplied or authorized by the school district.

Injury at Work



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

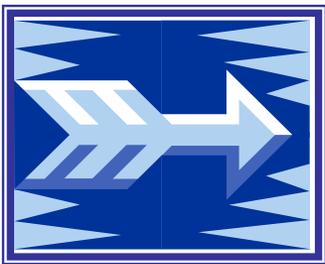
Claims must be filed as soon as possible, but no later than 1 year for injuries and 2 years for occupational disease.

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

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

Employees who suffer an injury or occupational disease must notify their supervisor and fill out an incident report.

Additionally, employees who seek medical attention must complete a Physician's Initial Report at the doctor's office.



Employee Rights

Employees Have the:

Right to representation

In any investigative conference or meeting.

Right to a hearing if employment is terminated.

Right to grieve if a collective bargaining agreement has been violated.

Right to seek court action against the district or any individual.

Right to privacy Similar to students.

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

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

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

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

“POLICY ACKNOWLEDGEMENT”

Key School Board policies and procedures of the North Kitsap School District include...

(2017-2018 Policies of focus.)

Policy 3205 Prohibiting the Sexual Harassment of Students

Policy 3207 Prohibition of Harassment, Intimidation and Bullying

Policy 3421 Prevention of Abuse, Neglect and Exploitation of Students

Policy 5011 Prohibiting the Sexual Harassment of District Staff

Policy 5253 Maintaining Professional Staff-Student Boundaries

Policies Located At:

NKSchools.org

Our District

Board of Directors ... Policies

COLLECTIVE BARGAINING AGREEMENTS:

- **NKSchools.org**

Employment

Human Resources ... Collective

Bargaining

Agreements

POLICIES

- Of the NKSD Board of Directors...
- 1000 Series... All things School Board
- 2000 Series... All things Programs, Resources, Improvement Plans, Accountability
- 3000 Series... All things STUDENTS!
- 4000 Series... All things Community Relations
- 5000 Series... All things Personnel (that's you!)
- 6000 Series... All things Management Support (that's me!)

(heavy hittin') Areas of Liability...

- FERPA (FERPA, FERPA, FERPA)
- Failure to Provide Adequate Supervision
- Failure to Report
- Boundary Issues

“The best way to serve students is to provide a positive and supportive learning environment in the role you were hired for!”

Continuing Contract

- Indicates continued employment.
- Renewed annually via Board approval.
- Must have completed “provisional status” to qualify.
- Can only be non-renewed for cause.
- (Different from a “continuing” position.)

Provisional Contract

“Provisional Status”

- Must complete three successful years teaching in Washington state, in the same district...

or

One year in “new” district if provisional status has already been completed.

Teachers on Provisional contracts can be non-renewed at the discretion of the district.

(You could have a “continuing” position while on a “provisional” contract.)

Leave Replacement Contract

- Issued for one year to replace a continuing teacher on leave of absence.
- Does not count toward provisional status.

Supplemental Contract

- Issued to all certificated staff.
- Includes additional, bargained compensation for all teachers for duties performed beyond the regularly contracted work day.
- Extra days for counselors, school psychologists, senior staff.