

Takini School

2025-2026

PERSONNEL POLICIES & PROCEDURES



Approved by Takini School Board Action May 12, 2025
CRST TED Committee Approved MONTH DD, 2025

SCHOOL VISION, MISSION, PHILOSOPHY & MOTTO

The vision, mission, philosophy, and motto of Takini School are formally adopted by the school board. These statements serve as the guiding principles through which the programs, services and individuals working at Takini School are administered and operate.

VISION STATEMENT

“Takini School fosters a unified and nurturing community where students, families, and staff work together to honor our spiritual and cultural heritage. Through collaboration and a supportive environment, we empower confident learners to pursue their dreams and create meaningful futures.”

MISSION STATEMENT

“Takini School is committed to equip all learners with the knowledge, skills, and values needed to navigate the challenges and opportunities of the 21st century while embracing and preserving the cultural identity of our community.”

PHILOSOPHY

TAKINI SCHOOL operates in accordance with these beliefs:

1. Partnerships between school and communities strengthen the educational environment;
2. Every learner progresses at his or her own pace;
3. We must assist in the educational process of the whole child;
4. A positive self-image is imperative for learner success;
5. The teaching and modeling of traditional values (respect, generosity, courage, spirituality, compassion, fortitude, and wisdom) will promote cultural awareness in all learners.

MOTTO

“Woonspe Okolakiciye”
(A Learning Place for the Success of All)

TAKINI SCHOOL provides an alcohol and drug-free teaching and learning environment. Cooperation in learning is evident at all levels and includes cooperative learning, team teaching, and the integration of classes and subject areas. Teachers will have high expectations for the success of every student. All staff who serve children are aware of their responsibilities for teaching and are held accountable for results. Students have varied opportunities and options to explore vocational/technical skills and careers. Students display a positive self-image through traditional Lakota behaviors, beliefs, and values.

STUDENT OUTCOMES

All curricular activities of the Takini School will be driven by the students achieving these learning outcomes. Upon graduation from high school, our goal is that all students shall be:

1. **SELF-DIRECTED LEARNERS** who acknowledge and embrace positive core values; create a vision for themselves and their future; analyze their present situation; generate options; set priorities and goals; assume responsibility; plan strategies; anticipate consequences; monitor and evaluate progress; and revise and/or progress towards their vision.
2. **PERCEPTIVE THINKER AND CREATIVE PROBLEM SOLVERS** who develop and use multiple frames of reference; identify, assess, and integrate information and resources; make decisions; solve complex problems; and foster both the intuitive and the logical faculties of the brain.
3. **EFFECTIVE COMMUNICATORS** who express thoughts and needs both verbally and nonverbally; evaluate audience reception; modify expressions of ideas; accordingly, read; listen; and process, interpret and convey information.
4. **HEALTHY INDIVIDUALS, COMMUNITY CONTRIBUTORS, AND ENVIRONMENTAL CARETAKERS** who commit to a group; exercise personal responsibility; achieve and sustain wellness; choose attitudes that will raise self-esteem; accept situations they cannot change; courageously change situation(s) they can; resolve conflict in a constructive manner; respect social norms and traditions; maintain personal integrity; use their time, energies and talents to improve the welfare of themselves and others; and seek to improve the quality of life in their communities and our larger global environment.
5. **COOPERATIVE/COLLABORATIVE WORKERS and CREATIVE PRODUCERS** who use effective leadership and group skills; foster, develop and sustain supportive relationships; transcend cultural differences; create intellectual, artistic and practical products; produce high quality work; and use advanced technologies.
6. **CULTURALLY AWARE INDIVIDUALS** who understand and respect the Lakota language and culture; establish individual identities within their culture; realize the diversity of cultures in our world; build relationships with members of other cultures; embrace their cultural identity; acknowledge their link with the past; and model cultural values and lifestyle.

TABLE OF CONTENTS

1.01	PERSONNEL GOALS AND OBJECTIVES	11
	1.01.01 Personnel Goals	11
	1.01.02 Personnel Values	11
1.02	EQUAL EMPLOYMENT OPPORTUNITY	12
	1.02.01 Reasonable Accommodations Policy and Procedures	12
1.03	INDIAN PREFERENCE AND VETERAN PREFERENCE	14
1.04	NEPOTISM	15
1.05	STAFF INVOLVEMENT IN DECISION-MAKING	15
1.06	EMPLOYMENT POSITIONS	16
1.07	POSITION VACANCY ANNOUNCEMENTS AND ADVERTISEMENT TIMELINES	17
1.08	POSITION RE-ADVERTISEMENT	18
1.09	EMPLOYMENT APPLICATION PROCEDURES	18
1.10	PERSONNEL HIRING	19
1.11	CRIMINAL HISTORY BACKGROUND CHECK AND CHARACTER INVESTIGATION	20
	1.11.01 Criminal History Background Check	20
	1.11.02 Character Investigation	22
1.12	FALSIFICATION OR OMISSION OF APPLICATION INFORMATION	23
1.13	FORMER EMPLOYER AND REFERENCE CHECKS	23
1.14	NOTIFICATION TO APPLICANT OF EMPLOYMENT OFFER	23
1.15	NOTIFICATION TO APPLICANTS NOT SELECTED FOR EMPLOYMENT	23
1.16	TEMPORARY APPOINTMENTS	23
1.17	PERSONNEL PROBATION	24
	1.17.01 Nature and Purpose	24
	1.17.02 Conditions Preliminary to Regular Appointment	24
	1.17.03 Promotions During Probation	24
	1.17.04 Transfers During Probation or During Employment	25
	1.17.05 Performance Appraisal During Probation	25

1.17.06	Continuing Employment	25
1.17.07	Dismissal During Probation	25
1.17.08	Salary Adjustments During Probation	26
1.17.09	Attendance of Workshops and Training Sessions/Seminars	26
1.17.10	Continued Contract Employees	26
1.17.11	Payroll Deductions during Probationary Period	26
1.18	PERSONNEL SUPERVISION	26
1.18.01	Chain of Command	26
1.18.02	Penalty for Chain of Command Violation	27
1.18.03	Chief Administrator Supervision and Authority	27
1.19	DEFINITION OF EMPLOYEE	28
1.20	PAY SCALE	29
1.21	TENURE	29
1.22	IN SERVICE AND PARAPROFESSIONAL TRAINING	29
1.23	SUBSTITUTE TEACHER TRAINING PLAN	30
1.24	EMPLOYEE STATUS	30
1.25	CONTRACT EMPLOYEE RENEWAL/NON-RENEWAL	30
1.26	EMPLOYEE ORIENTATION	31
1.27	EMPLOYEE SUPERVISOR	31
1.28	EMPLOYEE SUPERVISOR POLICY ADMINISTRATION	31
1.29	SUPERVISOR ROLE IN EMPLOYEE GRIEVANCES	31
1.30	SUPERVISOR EVALUATION OF EMPLOYEE PERFORMANCE	32
1.31	PERSONNEL EVALUATION	32
1.31.01	Purpose	32
1.31.02	Policy	32
1.31.03	Frequency of Evaluations	32
1.31.04	Promotion/Transfer Review	33
1.31.05	Evaluation Responsibilities	33
1.31.06	Evaluation Procedures	33

1.31.07	Elements of Evaluation	34
1.31.08	Performance Review Interview	34
1.31.09	Unsatisfactory Evaluation	35
1.31.10	Administration and Coordination	35
1.32	EMPLOYEE PERFORMANCE EVALUATION OUTCOME GRIEVANCES	35
1.33	EMPLOYEE PERSONNEL FILE MAINTENANCE AND ACCESS	35
1.34	GUIDES AND CONTRACTS	36
1.34.01	Salary and Wage Schedules	37
1.34.02	Salary Increases	37
1.34.03	Entrance Salary	37
1.34.04	Temporary Employment Salary	37
1.34.05	Substitute Teacher Salary	37
1.34.06	Contracts	37
1.34.07	Benefits	38
1.35	POSITION CLASSIFICATION	38
1.35.01	Procedure for New Positions	39
1.36	QUALIFICATIONS	39
1.37	POSITION RECLASSIFICATION	40
1.38	HEALTH EXAMINATION	40
1.39	PAYROLL PROCEDURES	40
1.39.01	Employee Guidelines	40
1.39.02	Payroll Preparation	41
1.39.03	Year End W2 Preparation	41
1.40	OVERTIME COMPENSATION	42
1.41	STAFF MEETINGS	42
1.42	CONSULTING	42
1.43	LEAVES AND ABSENCES	43
1.44	ADMINISTRATIVE LEAVE	45
1.45	ANNUAL LEAVE	45

1.46	FAMILY CARE LEAVE	46
1.47	HOLIDAYS	47
1.48	JURY DUTY LEAVE	47
1.49	MILITARY LEAVE	47
1.50	SICK LEAVE	48
1.51	SPIRITUAL LEAVE	48
1.53	PROFESSIONAL PUBLISHING	48
1.54	LABOR, TEACHER, OR EMPLOYEE UNIONS	49
1.55	POLITICAL ACTIVITY	49
1.56	NEWS RELEASES	49
1.57	CONFLICT OF INTEREST	50
1.58	PUBLIC APPEARANCES	51
1.59	TUTORING PAY	51
1.60	GIFTS AND SOLICITATION	51
1.61	NON-SCHOOL EMPLOYMENT	52
1.62	COMMUNITY INVOLVEMENT	52
1.63	EMPLOYEE PROMOTION	52
1.64	EMPLOYEE TRANSFER	52
	1.64.01 Voluntary Transfer	53
	1.64.02 Involuntary Transfer	53
1.65	REDUCTIONS IN FORCE	53
1.66	PERSONNEL RESIGNATION	54
1.67	RE-EMPLOYMENT	55
1.68	PERSONNEL TIME SCHEDULE	55
1.69	PERSONNEL WORKLOAD	56
1.70	EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES	56
	1.70.01 Applicability of the Grievance Process to Personnel Matters	56
	1.70.02 Grievance Procedures	57
	1.70.02.01 Informal Meeting	57

1.70.02.02	Formal Grievances	57
1.70.02.03	Mediation	58
1.70.03	Grievance Appeals	58
1.70.03.01	Applicability	58
1.70.03.02	Deadline for Filing	59
1.70.03.03	Scheduling of Hearing	59
1.70.03.04	Documents	59
1.70.03.05	Evidence at Hearing	59
1.70.03.06	Representation of Employee at Hearing	59
1.70.03.07	Witnesses	59
1.70.03.08	Decision without Hearing	60
1.70.03.09	Failure to Appear	60
1.70.03.10	School Board Decision	60
1.70.04	Staff Protection	60
1.71	PERSONNEL DISCIPLINE	60
1.72	SUPERVISOR RESPONSIBILITY FOR ADMINISTRATION OF EMPLOYEE DISCIPLINE	61
1.73	EMPLOYEE CODE OF PROFESSIONAL ETHICS	61
1.74	AUTHORITY FOR EMPLOYEE SUSPENSION AND DISMISSAL	61
1.75	EMPLOYEE SUSPENSION AND DISMISSAL PROCEDURES	61
1.76	EMPLOYEE SERIOUS MISCONDUCT	62
1.77	DISCIPLINARY ACTION	62
1.78	PERSONNEL DISCIPLINARY PROCEDURES	63
1.79	EMPLOYEE ASSISTANCE PLAN OPTIONS (EAP)	64
1.80	EMPLOYMENT ASSISTANCE REQUIREMENTS	65
1.81	SUSPECTED CHILD ABUSE REPORTING PROTOCOL	66
1.81.01	Mandatory Reporting Requirement	66
1.81.02	Definitions	66
1.81.03	Reporting Protocol	67
1.82	SEXUAL HARASSMENT	68

1.82.01	Definition	68
1.82.02	Responsibility	68
1.82.03	Procedures	68
1.83	CRITICAL INCIDENT POLICY	69
1.83.01	Purpose and Definition	69
1.83.02	Definition	69
1.83.03	Policy	69
1.84	TELEPHONES	70
1.85	DRUG POLICY	70
1.85.01	Policy	70
1.85.02	Definitions	72
1.85.03	Prohibited Uses	75
1.85.03.01	On-Duty Use	75
1.85.03.02	Pre-Duty Use	75
1.85.03.03	Use Following an Accident	76
1.85.04	Testing Schedule	76
1.85.04.01	Pre-employment testing	76
1.85.04.02	Probable Cause Testing	77
1.85.04.03	Post-Accident/Incident Testing	77
1.85.04.05	Random Drug Testing	78
1.85.04.06	Return to duty testing.	80
1.85.04.07	Follow-Up Testing	80
1.85.04.08	Volunteer Testing	81
1.85.05	Drug Testing Procedures	82
1.85.06	Alcohol Testing Procedures	82
1.85.07	Requirements for Regular Takini School Employees and Takini School Board Members	82
1.85.07.01	Action when a Regular Employee or Takini School Board Member has a Verified Positive Test Result	82
1.85.07.02	Referral, Assessment, and Treatment	83

1.85.07.03	Other Alcohol-Related Conduct	84
1.85.07.04	Termination	85
1.85.08	Action When a Temporary, Substitute, or Part-Time Employee Volunteer has a Verified Positive Test Result	85
1.85.09	Substance Abuse Professional	85
1.85.10	Retention of Records	86
1.85.11	Access to Facilities and Records	86
1.86	ACADEMIC TESTING PROGRAM	88
1.87	EVALUATION OF INSTRUCTIONAL PROGRAMS	88
1.88	TEACHING METHODS	88
1.89	TEACHING CONTROVERSIAL ISSUES	88
1.90	LESSON PLANS	89
1.91	SCHOOL ADVISORY TEAM	89
1.92	VIDEO SURVEILLANCE	89
	APPENDIX A: Code of Ethics	90
	APPENDIX B: Internet Acceptable Use Policy Agreement	92
	APPENDIX C: Organizational Chart	94
	APPENDIX D: SCAN Reporting Checklist and Form	98
	APPENDIX E: Critical Incident and Death Reporting Form	105
	APPENDIX F: Employment Positions Advertisement Timeline	107
	APPENDIX G: Contractor's Organizational Chart	109
	APPENDIX H: Reasonable Accommodation Request Form	110

1.01 PERSONNEL GOALS AND OBJECTIVES

This section shall apply to all *Takini School* employees, including administrators, unless stated in other sections of the *Takini School* Policies and Procedures. The purpose is to provide a system of personnel administration where economy and effectiveness in personnel services and fairness and equal treatment to employees and the public may be promoted. Principles governing personnel matters:

1. All appointments, promotions, measures of control, and separations shall be based on objective criteria as designated by the *Takini School* Policies and Procedures (TSPP)..
2. Fair and equitable rates of pay with due observance of the principle of equal pay for equal work and suitable differences in pay for differences in work.

Service to the *Takini School* shall be made attractive as a career and employees are encouraged to render their best services to the public and students.

1.01.01 Personnel Goals

1. To recruit and employ the highest qualified personnel to staff the school system.
2. To provide appropriate compensation and benefits for staff.
3. To develop and implement personnel assessment processes which will contribute to improvement of staff capabilities and the learning program.
4. To provide in-service training programs for all employees to improve the educational program and assist each staff member's career aspirations.
5. To assign personnel to ensure they are utilized effectively.
6. To provide a climate producing high staff performance, morale, satisfaction, and retention.
7. The evaluations shall be done prior to March of each year, at least ninety (90) days before the end of the applicable contract(s).

The School believes in keeping the communities informed and will attempt to understand and remain informed as to the communities' attitudes and hopes for *Takini School*. *Takini School* has the responsibility to teach and develop knowledge, skills, and attitudes that aid in supporting and strengthening the family unit. The school personnel will create a safe climate in which the identity and dignity of the students are recognized and respected. The goal and objective of the Personnel Policies is to focus on the students of *Takini School*, not on the employment opportunities at the School.

1.01.02 Personnel Values

Acceptable behavior of staff and students at the school is encompassed by actions that exemplify the Lakota Values of Wisdom, Generosity, Respect, Courage, Spirituality, Patience, and Honesty.

1.02 EQUAL EMPLOYMENT OPPORTUNITY

Every employee of Takini School shall have equal employment opportunities regardless of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, or disability. Native American preference shall apply. Federal Title VII of the 1964 Civil Rights Act, as amended, ADEA, and other employment laws are not applicable to tribal schools but may apply to the administration of some programs. Takini School reserves the right to defend itself against any and all claims accordingly. Two weeks prior to the start of the school year, the School Administration shall place an announcement with the local news media concerning Takini School policy on nondiscrimination.

The School shall coordinate Title IX, Affirmative Action, and the Americans with Disabilities Act compliance activities. For personnel discrimination complaints, employees shall contact the Human Resources Officer and/or Chief Administrator. They may also contact the Kansas City Office, Office for Civil Rights, Department of Education, One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320, Kansas City, MO 64106;

Telephone: 816-268-0550, or the BIE Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg, 400 Maryland Ave., SW, Washington, D.C. 20202-1100; Telephone: 1-800-421-3481.

1.02.01 Reasonable Accommodations Policy and Procedures

Employees or applicants for employment with disabilities may request reasonable accommodation using the procedures set forth in this section. The School complies with the requirements of 42 U.S.C. § 12101 *et seq.* regarding reasonable accommodations for qualified individuals with disabilities. The School shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the School determines that the accommodation would impose an undue hardship on the School's operations. The School may not deny employment to a qualified employee or applicant with a disability if the basis for the denial is the need to make reasonable accommodations to the physical or mental limitations of the employee or applicant.

1.02.01.01 Definitions

1. **Qualified Individual.** The term "qualified individual" means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or applies for. For the purposes of this policy, consideration shall be given to the School's judgment as to what functions of a job are essential, and if the School has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

2. **Disability.** The term “disability” means: a physical or mental impairment that substantially limits one or more major life activities of such an individual. The School may request evidence confirming the existence of the impairment, such as a confirmation from a qualified health professional that an impairment exists. Any impairment that is expected to last less than 6 (six) months is not a disability for purposes of this policy. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
3. **Reasonable accommodation.** A reasonable accommodation is a change in an employee’s work environment, work schedule, or job functions necessary for the employee to successfully perform the essential functions of the job they are hired to perform. Reasonable accommodations may include, but are not limited to:
 - A. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
 - B. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
4. **Undue Hardship.** The term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:
 - A. The nature and cost of the accommodation requested;
 - B. The overall financial resources of the School impacted by provision of the reasonable accommodation; the number of persons employed at such School; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the School;
 - C. the overall financial resources of the School; the overall size of the School with respect to the number of its employees; the number, type, and location of its facilities; and
 - D. The type of operation or operations of the School, including the composition, structure, and functions of the workforce of the School.

1.02.01.02. Procedures for Requesting a Reasonable Accommodation

1. Any employee or applicant for employment may request a reasonable accommodation by filing a written request with the School Human Resources Officer. If the applicant or employee is unable to file a written request, the request may be made verbally to the Human Resources Officer and the Human Resources Officer will assist the individual with completing the Request Form. **APPENDIX I** includes a model *Request for Reasonable Accommodation* that individuals may use to make a request. The request should include:
 - a. The nature of the disability and documentation that the individual does have a disability. A statement from a health care provider does meet this requirement and may be requested by the School; and

- b. The reasonable accommodation(s) requested. (Examples: change in work schedule, eliminating specific job duties, modification of work location or work environment).
2. The Human Resources Officer will meet with the Chief Administrator within three (3) working days of the date an individual files a request for reasonable accommodation to review the request, the job description and essential job functions, and the impact of the requested accommodation on the School's operations. The Chief Administrator and Human Resources Officer may request a meeting with the individual to engage in an interactive process of sharing information needed for the School to make a decision on the reasonable accommodation requested, and to explore any other possible reasonable accommodations that may assist the applicant in their ability to perform the essential job functions. The Immediate Supervisor of the employee or applicant for employment may be included in the meetings if the Chief Administrator determines their participation is essential to make the determination on the request.
3. Within five (5) working days of the date the reasonable accommodation request is filed, the Chief Administrator will make a decision to grant or deny the reasonable accommodation requested and any other reasonable accommodation(s) considered by the School. The decision will be in writing and will be provided to the applicant. The School shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the School determines that the accommodation would impose an undue hardship on the School's operations.
4. If an employee or applicant for employment requesting reasonable accommodation is not satisfied with the decision on their request, they have the right to appeal the decision to the School Board pursuant to the Formal Grievance Procedures set forth in Section 1.71.02.02 and the right to an Appeal as set forth in Section 1.71.03.
5. Copies of requests for reasonable accommodation and documentation of the decision shall be filed securely.

1.03 INDIAN PREFERENCE AND VETERAN PREFERENCE

In accordance with the provisions of federal statutory and tribal law, particularly Public Law 93-638 and all other qualifications being relatively equal, *Takini School* shall give preference in employment and training opportunities to qualified tribal members and Native Americans. In determining level of qualification, *Takini School* shall assign preference in the following descending order, if the applicant chooses to self-identify:

1. Enrolled member of the Cheyenne River Sioux Tribe;
2. Individuals holding non-enrolled (NE) status with the Cheyenne River Sioux Tribe, or eligible for enrollment with the Cheyenne River Sioux Tribe because of parentage or dependency;
3. An enrolled member of a different federally recognized Indian Tribe, who is not a member of the Cheyenne River Sioux Tribe - but married to such a member;
4. An enrolled member of a different federally recognized Indian Tribe (who is not a member of the Cheyenne River Sioux Tribe).

An individual must be capable of proving their membership in a federally-recognized Indian tribe by providing an enrollment number, enrollment certificate, or other acceptable means of showing membership as established under tribal law. An individual may be treated as an enrolled Indian if that individual can show that he or she is at least one-fourth or more blood degree descendant of a member of a federally recognized (by the BIA) tribe. Indian preference shall apply provided the applicant meets job qualifications including but not limited to cultural sensitivity, a positive attitude toward students, reference checks, and past job performance.

Although not obligated to do so under law, *Takini School* shall also give preference in initial hiring to honorably discharged veterans of the Armed Forces of the United States, which includes the following:

1. Veteran with service-connected disability;
2. Veteran who has served in combat or combat area;
3. Veteran who has served in non-combat periods;
4. An individual must be capable of proving veteran status through a DD214 document from the Veteran's Administration.

Veteran preference shall apply, provided the applicant meets job qualifications including but not limited to cultural sensitivity, a positive attitude toward students, reference checks, and past job performance.

All applicants are subject to background checks. All employees may also be subject to a background check annually for tribal, state, and/or federal criminal convictions. *See* Section 1.11 of this Personnel Manual for additional details.

1.04 NEPOTISM

Hiring the best qualified applicant is *Takini School's* primary objective. No person shall be employed or promoted to a position when he or she would be immediately supervising or receiving immediate supervision from a member of his or her immediate family. Immediate supervision is defined as the first level above or below the person involved. Immediate family means first-degree relatives, including father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse (residing in the same household), father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, half-brother, half-sister, grandfather, or grandmother.

1.05 STAFF INVOLVEMENT IN DECISION-MAKING

The Chief Administrator is responsible for ensuring that decision-making processes are designed to incorporate the advice of employees in matters that affect their conditions of employment, program and institutional evaluations, educational planning, community involvement, school climate, student activities, and other related development activities. The Chief Administrator

may consult with faculty or staff organizations as a way of obtaining such advice. The Chief Administrator shall form an Owayawa Awayanka Okolakiciye (School Improvement Committee) to involve ongoing staff involvement in planning and decision-making.

1.06 EMPLOYMENT POSITIONS

The *Takini School* has the authority to establish positions required to provide services to students and other required functions of *Takini School*. The Takini School Board has the final authority on the approval of positions for employment, and appointment or hiring of employees.

Position descriptions shall be approved by the Takini School Board upon recommendation by or consultation with an immediate supervisor and Chief Administrator before advertisement of the position. Position descriptions will be prepared for all positions in the School to serve as an aid for identification and delegation of responsibilities, coordination and division of work, and prevention of duplication of efforts. The position description shall describe the overall general and specific duties and responsibilities, and the qualifications for the position, ensuring that licensing and/or certification or other requirements are included. These descriptions are only guides and are not all-inclusive of a person's abilities or the requirements for fulfilling their positions; these position descriptions are not intended to be used as work limitations or restrictions, and the School Board may assign additional duties as required by the needs of the school or Chief Administrator. Exempt employees, including teachers, may be required on occasion to work at school activities and functions beyond the normal school day. This work is considered a part of an exempt employee's regular duties. No compensatory or overtime pay should be expected for such extra hours, as this is part of one's employment.

Position descriptions should include the following:

1. Effective Date: This is the date the description was amended or implemented.
2. Title and Department: The employee's title should be short and simple yet as descriptive as possible. The applicable department should be listed.
3. Supervisor of employees.
4. Summary of Functions: This should be a one or two sentence statement encompassing the basic function and objectives of this position.
5. Major Duties and Responsibilities: This section should describe with specificity the major duties and/or responsibilities for performing the job.
6. School Relationships: This section should outline the relationships between this position and other key positions including supervisors and positions supervised. This statement should also include the requirements for coordination with other positions or departments.
7. Experience, Qualification, or Education: If required, indicate the minimum requirements necessary to be able to fill the position. For example, this can include a description of the minimum years of experience or accomplishments in specific job categories or

completion of degrees from post-secondary institutions, technical or trade schools necessary to perform this job.

8. The pay scale to which the position is classified.

The Administrator, in consultation with the Personnel Office and others, including if applicable, supervisors, are responsible for initiating drafts or changes to existing position descriptions when applicable. Whenever practical, supervisors should interact with employees in developing or reviewing descriptions for accuracy and clarity. Job descriptions should mirror the growth and changes of the School. Supervisors should not fall into a routine of allowing individuals or their operations to be governed by preexisting job descriptions when changes would benefit the School.

1.07 POSITION VACANCY ANNOUNCEMENTS AND ADVERTISEMENT TIMELINES

All full-time and part-time positions of *Takini School*, except those filled by lateral transfers from within the School (which the School reserves the right to do in the best interests of the School), will be advertised. Vacancy announcements shall be posted in School buildings throughout the School service area and may be submitted to local, state, and national placement agencies or utilize other methods deemed appropriate by the Chief Administrator or designee.

If the Chief Administrator position is non-renewed the Takini School Board shall cause the position to be advertised following the first regularly scheduled Board meeting in January annually.

All supervisor positions that are vacant or are not being renewed shall be advertised in January with the selection and interview process to occur in February annually. Supervisor positions include but are not limited to the following positions: K-12 Principal, Business Manager, Transportation Supervisor, Kitchen Supervisor, Nurse, Human Resources/NAISIS, and Athletic Director.

All teacher positions that are vacant or are not being renewed shall be advertised in February with the selection and interview process to occur in March annually.

All other positions including, but not limited to Special Education Paraprofessionals, Bus Drivers, Registrar, Maintenance, Custodial, Kitchen and Security workers that are vacant or are not being renewed shall be advertised in March with the selection and interview process to occur in April annually.

All positions that are vacant and require advertisement shall be advertised following the timeline established in **Appendix G** of this Manual.

Hiring and selection procedures will be strictly in accordance with job qualifications. Waivers of job qualifications shall only be granted with concurrence of the Takini School Board.

1.08 POSITION RE-ADVERTISEMENT

The School may re-open position advertisements or extend the closing date of position advertisements if an insufficient number of suitable applicants have applied for the position, or the School is not satisfied with the quality of the pool of applicants. The decision to re-advertise shall be made either by the Takini School Board or Chief Administrator in consultation with the Board.

1.09 EMPLOYMENT APPLICATION PROCEDURES

The Chief Administrator is responsible for the recruitment and making recommendations to the Takini School Board as the best personnel for the school. Anyone who believes he/she is qualified for a vacant position may submit a completed application to the Chief Administrator or his/her designee. Any vacancy announcements shall clearly set forth that before an applicant can be permanently employed with the School, the applicant shall be subject to a criminal history background check. Failure to pass a criminal background check shall make one's employment contract null and void, and/or shall constitute grounds for immediate dismissal, if employment has already begun.

The Chief Administrator or his or her designee is responsible for monitoring the employee application process to ensure that application timelines are adhered to by applicants, and for reviewing employee applications to ensure that applications are complete. Applications for employment which do not include all requested information, references, and other documentation will not be considered in the review of qualified applicants for positions at the school.

All applications, including applications for temporary or volunteer positions shall contain a question asking whether the applicant has ever been arrested, charged, or convicted of a crime involving a child, including but not limited to violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against other persons. The application may require the applicant to describe the disposition of the arrest or charge. False or misleading applications shall constitute grounds for declaring the employee's contract null and void, and/or for the immediate dismissal of the employee or volunteer.

The application shall also inquire as to the applicant's residences within the last five years.

The School shall obtain from the prospective employee his/her signature agreeing that the employee has been informed of the School's obligation to perform a background check, granting permission for the background check to be performed, and authorizing the school to obtain a copy of the employee's criminal history report. The employee shall also be informed that s/he has the right to obtain a copy of the criminal history report and the right to challenge the

accuracy and completeness of any information contained in the report by commenting, explaining, denying, or refuting the information.

1.10 PERSONNEL HIRING

Takini School Board and School administration will adhere to the timeline established in **Appendix G** of this Manual when interviewing candidates for vacant positions at Takini School. Following the closing date of a job announcement, the Chief Administrator will submit applications to the screening/interview committee. The screening/interview committee may be composed of the Chief Administrator, Business Manager or his or her designee, supervisor of the position to be filled, and one or more Takini School Board members. The Chief Administrator may designate additional employees to serve on the screening/interview committee. The Chief Administrator shall determine appropriate screening procedures for job announcements advertised as opened until filled.

The purpose of the committee will be to review and rate applications based solely on the information contained in the application and other documentation provided by the applicant, as well as background checks, references, interviews, and other information made available to the committee in the ordinary course of the process. The screening committee will be responsible to carefully rate information contained in the application.

Applications that may not be rated are:

1. Applications not meeting job qualifications as indicated in job advertisement;
2. Applications that are not signed by the applicant;
3. Applications received after job advertisement closing date;
4. Applications of former *Takini School* employees who were terminated for disciplinary reasons within one year prior to date of application; and
5. Applications of individuals who have failed the criminal history background check, or who have failed to comply with assistance offered by the school after failing the pre-employment drug and alcohol test.

All applications which meet qualifications will be screened and rated based on established criteria. Applicants with the highest overall qualifications may be selected for interviews. Applicants with the highest qualifications shall have at least one interview.

Immediate supervisors, the Chief Administrator, and/or one or more members of the Board may be included among persons who interview an applicant. However, the Takini School Board may establish and appoint employees to a hiring or interview committee. There will be no travel expenses paid to applicants for interviewing, unless approved by the Takini School Board.

If, in the opinion of the Takini School Board, applicants interviewed for a position are not suitable for the position, the Takini School Board may re-advertise the position or require that other applicants screened for the position be scheduled for an interview.

Background check and/or employment verification shall be initiated by the Chief Administrator or his/her designee. The Chief Administrator shall follow the provisions set forth in this Manual when performing the background check. The contract with the employee, even if signed by the parties, shall not be considered executed, valid or enforceable until all results are returned regarding the background check. The legal effect of negative results coming in after the contract has been signed is that the employee's contract shall be considered null and void, as if no employment relationship exists between the employee and *Takini School*. The Takini School Board has the final decision on all appointments for employment at *Takini School*.

The Takini School Board reserves the right to select alternate(s) who shall fill a position in the event the selected person declines the job offer or fails to fulfill her/his probation period or becomes ineligible for some other reason.

1.11 CRIMINAL HISTORY BACKGROUND CHECK AND CHARACTER INVESTIGATION

1.11.01 Criminal History Background Check

All information obtained in a background investigation is subject to privacy requirements imposed by Federal, state, or tribal agencies from whom the information is obtained. The Chief Administrator or his/her designee is responsible for making certain that the School complies with these privacy requirements. The information shall be in the possession of the Personnel Office. This information should only be released to the employee if permitted by law and only to those involved in the determination of the employee's initial or continued employment.

Takini School must complete a criminal history background check before an employee may be hired without condition and a character investigation on any individual *Takini School* considers hiring. This provision includes volunteers who work in close contact with children or have regular contact with or control over children. Employee background files are reviewed annually by authorized personnel to ensure compliance and that background files are updated every five years as an internal controls measure.

This criminal history background check shall be based on a set of the employee's fingerprints obtained by the Personnel Office and on other identifying information. The background check shall be conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that a prospective employee lists as current or former residences in an employment application. The

Chief Administrator or his/her designee shall be responsible for initiating the check through the personnel program of the applicable Federal agencies. The background check should cover, at a minimum, the applicant's past five years.

An employee may be hired by *Takini School* provisionally prior to a background check being completed. If the employee who is hired provisionally has children in his/her care, the employee shall at all times be within the sight and under the supervision of a staff person who has completed a background check.

An individual may be denied employment or terminated from employment if the individual has been convicted of an offense involving a child victim, a sex crime, or a drug felony. A conviction of other crimes may be considered if it bears on the employee's fitness for the safety and well-being of children. An individual shall be denied employment if the individual was found guilty of or entered into a plea of nolo contendere or guilty to any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons. Federal law or regulation supersedes these policies, in the event Federal law or regulation changes the prohibitions on hiring, and these policies shall be deemed to conform to such Federal law and regulation.

If the background investigation reveals that a potential employee has been charged with one of the offenses listed above, or a current employee is charged with one of the offenses listed above and the charge has not been disposed of, the employer may deny the applicant employment until the charge is resolved, an employer may suspend an employee from having contact with children while on the job until the charge is resolved, the employer may detail or reassign the employee to duties which do not involve contact with children until the charge is resolved, or the employer may place the employee on leave with pay until the charge is resolved.

An individual, including volunteers, may also be denied employment or disqualified from continued employment if it is determined that:

1. The individual's misconduct or negligence interferes with or affects a current or prior employer's performance of duties and responsibilities;
2. The individual's criminal or dishonest conduct affects the individual's performance or the performance of others;
3. The individual made an intentional false statement, deception or fraud on an examination or in obtaining employment;
4. The individual's alcohol or substance abuse is of a nature and duration that suggests the individual could not perform the duties of the position or would directly threaten the property or safety of others; or

5. The individual has illegally used narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation;

This list is not inclusive and in no way limits the list which is contained within the disciplinary section of this policies and procedure manual.

1.11.02 Character Investigation

The Chief Administrator shall establish a list which identifies those positions which permit contact with or control over Indian children. This list shall be updated yearly.

The Chief Administrator shall appoint adjudicating officials. These persons shall serve as the adjudicating officials until they are terminated or resign, or the Chief Administrator in his/her discretion finds it necessary to appoint another adjudicating official. In the event that the adjudicating officials appear to the Chief Administrator to have a conflict because of the potential applicant involved, the Chief Administrator shall appoint an individual to serve as a replacement adjudicating official for the conflicting case.

The School must make certain that the adjudicating officials are well-qualified and trained; that if the adjudicating official is not well-trained that the official is supervised by an individual in the school who is experienced in this area until the adjudicating officials are sufficiently trained; and that the adjudicating officials are familiar with the laws, regulations, and criteria involved in making suitability determinations.

The adjudicating officials shall, at a minimum:

1. Review the background investigation provided by the FBI or any other information obtained from any other law enforcement agencies;
2. Review each background investigation form and the employment application and compare the information provided in the potential employee's application with documentation not provided by the employee;
3. If available, review the results of written record searches requested from local law enforcement agencies, former employers, former supervisors, employment references, and schools;
4. Consider whether the employee has met the standards established for suitability of employment;
5. Provide updated Adjudication Certificates to Takini School on an annual basis; and
6. Provide a successful background clearance as adjudicators must also be a subject of a successful background check.

The following are standards to consider when determining if a potential employee who will have contact or control over students is suitable for employment. When an adjudicating

officer is considering whether an applicant is suitable for employment the adjudicating officer should consider:

1. The nature and seriousness of the prior conduct;
2. The recency and circumstances surrounding the conduct in question;
3. The age of the applicant at the time of an incident, societal conditions that may have contributed to the nature of the conduct;
4. The probability the individual will continue the questionable behavior;
5. The applicant's commitment to rehabilitation;
6. Whether an individual has not been found guilty of or entered into a plea of nolo contendere or guilty to any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons;
7. What degree of risk the individual brings to the position; and
8. Past conduct that will not interfere with the employee's duties or create long-term risk.

1.12 FALSIFICATION OR OMISSION OF APPLICATION INFORMATION

Applicants who are offered employment by *Takini School* who falsify or intentionally omit information which would impair the decision of the Takini School Board as to the competency or suitability of the applicant or employee shall be immediately terminated from their employment with *Takini School*, and their contract shall be null and void.

1.13 FORMER EMPLOYER AND REFERENCE CHECKS

Any member of the screening committee and/or the Chief Administrator or his/her designee shall have the right to contact applicant references and former employers to verify application information, and to obtain information from these resources pertinent to the job-related strengths and limitations of applicants. Information obtained from applicant former employers and references will be treated in a confidential manner and used only in determining applicant suitability for employment at *Takini School*. Potential employees/applicants shall be required to sign a release of information request and waiver of claim against a former employee for releasing information concerning previous employment.

1.14 NOTIFICATION TO APPLICANT OF EMPLOYMENT OFFER

The Personnel Office shall be responsible for notifying selected applicants of *Takini School's* offer of employment, and for issuing contracts/wage agreements (to be signed and returned by the employee within ten (10) calendar days from the receipt of notification of employment), and will include information regarding starting dates, contract term, salary rate, and other appropriate information. Applications of individuals who are employed by *Takini School* will be placed in the personnel folder of the new employee. Any offer of employment shall be construed as being rejected if not accepted by the employee within ten (10) calendar days.

1.15 NOTIFICATION TO APPLICANTS NOT SELECTED FOR EMPLOYMENT

The Personnel Office shall notify applicants of their non-selection.

1.16 TEMPORARY APPOINTMENTS

The Takini School Board and/or Chief Administrator shall have the authority to appoint temporary personnel to work assignments required at the School, dependent upon available funding sources. Temporary employees shall not be entitled to fringe benefits, use of the grievance procedures, except in cases where they complain of alleged discrimination on the basis of disability or another protected class, accrual of annual leave, or other benefits of permanent employees. Temporary employees shall be hired by contract.

Temporary appointments, for other than teaching and transportation personnel, may not exceed twenty (20) workdays, and the temporary employee shall be paid for actual work performed. There is no promise of employment to a temporary employee beyond the term described in the letter of appointment. A temporary employee may be reappointed to additional terms, but shall be issued a new contract. A temporary contract is also extended to substitute teachers.

1.17 PERSONNEL PROBATION

All new employees and any employees who transfer from one job to another within the school system shall be covered by this policy. Employees whose contract has been renewed for the same position they held in the prior year are not required to complete a probationary period during the successive contract renewal terms. If there is a break in employment, the probationary applies on the new contract. The probationary period shall last for ninety (90) days and may be extended for one additional ninety (90) day period if necessary. Any extension of the probationary period shall not be construed as an offer of permanent employment or the existence of a contract or other employment agreement. During the ninety (90) day probation, employees will not be granted leave unless approved by the Chief Administrator.

1.17.01 Nature and Purpose

Probation is established to benefit the employee and the school and is a time for personal adjustment, adaptation, learning the job requirements, and the policies and procedures of the school. This ninety (90) calendar day period shall determine if the new employee meets required standards of employment. During the probationary period, the employee and her/his supervisor should pay close attention to the employee's job performance and progress.

1.17.02 Conditions Preliminary to Regular Appointment

The regular appointment of an employee shall begin with the date ending the probation period. The Chief Administrator is responsible for obtaining a written statement from the employee's supervisor containing an appraisal of the employee's duties indicating her/his

services during the probation period have been satisfactory and the employee is recommended for regular status. The supervisor shall notify the employee in writing if the appointment is to be made a regular employee and a copy of such notice shall be placed in the employee's personnel file.

1.17.03 Promotions During Probation

Employees must complete the probation period before being eligible for promotion.

1.17.04 Transfers During Probation or During Employment

If job qualifications are met an employee may be transferred during the probation period if such an action would benefit the School or the employee. A new probation period will begin on the date of transfer if the transfer is to a different job category.

When an employee is transferred to a new position that employee will be required to go through the ninety (90) day probationary period at the new position. Transferred employees who are unable to perform at their new position may be returned to their original job if a vacancy exists or may be recommended for termination, even if a vacancy exists.

1.17.05 Performance Appraisal During Probation

The supervisor shall provide a performance appraisal at least ten (10) days prior to the end of the probation period. Performance appraisals shall be documented and used to determine how the employee is adapting to job requirements, the department, the overall system, and to recommend regular employment, extension of the probation period, or termination of employment. Appraisals are not required in the event a probationary employee is terminated or recommended for termination within the ninety (90) day period.

1.17.06 Continuing Employment

Those employees whose continuing employment is contingent upon the employee meeting special conditions, as recommended by their supervisor to the Chief Administrator and approved by the Takini School Board, may be placed on a subsequent ninety (90) calendar day probation period. All special conditions to employment contracts and agreements must have Takini School Board approval. In no instance shall an employee's probationary period extend beyond one-hundred and eighty (180) days.

1.17.07 Dismissal During Probation

Any time during the probation period that an employee fails to successfully adapt to the requirements of the position, the department, or the school system, employment shall be terminated immediately, and the employee's employment agreement or contract shall be considered null and void and the offer of employment withdrawn. The supervisor shall make a recommendation to terminate to the Chief Administrator who shall notify the employee in

writing of such recommendation and the date services will be terminated. The Takini School Board shall make the final decision on termination. The employee shall have no right to appeal the Takini School Board decision, except employees who allege that they were terminated as a result of discrimination on the basis of disability who shall have the right to file a formal grievance in accordance with Section 1.71.02.02 of these policies.

1.17.08 Salary Adjustments During Probation

Salary adjustments will not be made for a probationary employee who is fulfilling her/his probationary period. Such an adjustment may be made following the successful completion of probation.

1.17.09 Attendance of Workshops and Training Sessions/Seminars

Probationary employees are not eligible to attend workshops and training sessions/seminars that are held off *Takini School* property until that employee's probationary period has ended and the employee has been made a regular employee. The Chief Administrator, upon request of the employee's supervisor, may make exceptions.

1.17.10 Continued Contract Employees

If an employee's contract is renewed for a different position the ninety (90) day probationary period would then apply.

1.17.11 Payroll Deductions during Probationary Period

Probationary employees are not eligible for payroll deductions until they have satisfactorily met the end of their ninety (90) working day probationary period.

1.18 PERSONNEL SUPERVISION

The major focus of employee supervision shall be to assist, monitor and support the capabilities of an employee to competently perform their assigned job responsibilities.

Employees shall be notified of the identity of their direct supervisor by the Chief Administrator or Personnel Office at the time of their initial appointment. The employee's direct supervisor shall record time and attendance, evaluate, provide technical assistance, consult with, assist in planning, conflict resolution and problem solving, identify developmental needs and resources, acquire materials, approve/disapprove all leave, and assign duties to the employee.

1.18.01 Chain of Command

The chain of command in the organizational chart represents the direction of authority and responsibility and shall be regarded as a visual representation of current policy. Legal authority of the Board is conveyed through the Chief Administrator by the organizational

chart, which shall be submitted to the Board for approval prior to the beginning of each School year. School Administration, including the Chief Administrator, the Human Resources Officer and the Board shall annually develop an organizational chart for all positions on or before the August Regular Board meeting. The Board or the Chief Administrator may request the views of School Principals and school personnel in developing and/or amending the organizational chart. The organizational chart shall be approved by the Board. The Board may approve amendments to the organizational chart at any time to meet the needs of the School as long as such reorganization conforms to the Constitution and By-Laws and policies and procedures of the Takini School. The Organizational Chart is located in **Appendix C** of this Policy Manual.

The Chief Administrator shall be responsible for the operation and maintenance of the organizational chart for the school. The Board considers all positions vital to the smooth functioning of the school system and requires all employees to work together as partners to provide the best learning situation for students of the school. Only those positions approved by the Board will be used. Only the Board may establish or abolish permanent positions. The Chief Administrator may, under certain circumstances, hire personnel on a temporary basis as needed for a maximum of twenty (20) days to fill established positions approved by the Board that are vacant.

The purpose of the organizational chart shall be to:

1. Provide the school employee with a means to identify work distribution, areas of responsibility, chain of command, and other relationships between positions.
2. Provide uniform titles for positions.

Concerns with the conduct of employees other than complaints of harassment, assault, or bullying should be addressed to the Immediate Supervisor for resolution within the Chain of Command. Failure to follow the chain of command and procedures in this Policy will result in termination upon a first violation. Any employee's concerns about the proper procedure for addressing concerns should be directed to the Chief Administrator.

1.18.02 Penalty for Chain of Command Violation

The penalty for any personnel who violates the chain of command policy in any manner shall be immediate termination. Employment termination for chain of command violations is subject to the Grievance Policies.

1.18.03 Chief Administrator Supervision and Authority

The Chief Administrator is defined as the Chief Executive Officer of the School who has the responsibility for school operations regardless of whether they are Certified as a K-12 Principal or Superintendent. The Chief Administrator is employed by the Board, and serves

by contract approved by the Board. The Chief Administrator's immediate supervisor shall be the Takini School Board. The Chairperson of the Board shall be responsible for signing leave slips and the time sheets, and advance approval of any leave taken by the Chief Administrator and may do so using any form of electronic signature software or program approved by the Business Office. In the absence of the Chairperson, the Vice Chairperson shall be responsible for approval of leave slips and the time sheets. The Board is responsible for clearly specifying the requirements and expectations of the Chief Administrator.

The Chief Administrator is charged with the overall responsibility of the operation and administration of the school within the framework established by the policies and directives of the Board. The Board shall rely on the Chief Administrator to provide professional administrative leadership.

The Chief Administrator shall be responsible for establishing the expectations for all other administrators, holding each of them accountable, and shall meet weekly with the school Principal. The Chief Administrator is the immediate supervisor of the school principal unless a conflict of interest exists, then refer to Section 1.18.01.

Any time the Chief Administrator is absent from the School for more than four (4) hours, the Chief Administrator shall issue a written Memorandum which shall be delivered by email to Supervisors, designating an Acting Chief Administrator, who shall be a Certified Administrator, unless no Certified Administrators are available, for the period of absence from the School.

1.19 DEFINITION OF EMPLOYEE

An employee is defined as an individual who has signed an agreement with the organization or has otherwise been employed, by letter or other informal or formal appointment who performs work for *Takini School*, who works under the supervision of someone in the organization, and who utilizes the resources of the organization to perform these functions. The classes of employees are defined as follows:

1. Regular Full-time Employees: Those employees who work at least thirty-two (32) hours per week for fifty-two (52) weeks per year and who maintain regular employment status. All regular full-time employees are eligible for all employee benefits, personal leave, holidays, and sick leave benefits.
2. Regular Part-time Employees: Those employees who may work less than thirty-two (32) hours per week or less than fifty-two (52) weeks per year, but who maintain regular employment status. Regular part-time employees are eligible for all employee benefits, personal leave, holidays and sick leave benefits on a pro-rated basis.
3. Temporary Employees: An appointment which does not exceed twenty (20) working days, except for teaching substitutes and transportation employees, and which includes,

but is not limited to substitute teachers and staff. These temporary employees shall not be eligible for employee benefits, including but not limited to, leave, and insurance or retirement benefits. These employees, even if Certified, may be dismissed with or without cause at any time. These employees may not utilize the grievance procedures, except in cases where they complain of alleged discrimination on the basis of disability or another protected class.

4. Certified Employees: Whether these employees are regular full-time employees or regular part-time employees, they possess the Certified credential for their position, are not temporary employees, and may utilize the grievance procedures.
5. Non-Certified Employees: These employees do not possess the Certified credential for their position, they possess the Certified credential for their position but were hired on a temporary basis, or there is no Certified credential for their position. They may not utilize the grievance procedures except in cases when they allege discrimination on the basis of disability or another protected class.
6. Non-exempt: An employee who is subject to the Fair Labor Standards Act. These employees shall receive overtime pay at a rate of one and one-half (1 1/2) times the hourly rate or will receive compensatory time at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. All overtime and compensatory time shall be approved in advance, in writing, by the employee's supervisor. The employee has the option of electing, in advance, whether they choose overtime or compensatory time. Overtime is any work done beyond the forty (40) hours worked per week.
7. Exempt: An employee, including but not limited to teachers and supervisors, who is not subject to federal overtime laws. These employees do not have to be paid overtime when they work more than forty (40) hours in a workweek. As an exempt employee, one may be required as a condition of employment, to work in excess of the regularly scheduled hours. Such work will not result in additional compensation or compensatory time.
8. Extra duty: An employee who is performing athletic or activity assignments on a contract separate from the regular contract and paid for such work according to the provisions in Section 1.39.01. An employee may not utilize the grievance procedures for discipline related to an extra duty contract or termination of an extra duty contract.

1.20 PAY SCALE

There shall be a pay scale for Certified professionals, paraprofessionals, and bus drivers and a pay scale for support staff.

1.21 TENURE

There is no tenure for any employee of *Takini School*.

1.22 IN SERVICE AND PARAPROFESSIONAL TRAINING

The Chief Administrator is responsible for administering a needs assessment to identify areas of training and for reporting the results to the Takini School Board who shall provide funding annually to accommodate the resources needed to implement pre-service and in-service programs.

All employees are required to participate in programs of pre-service and in-service as scheduled, unless they are performing essential services at the time. In-service and staff development programs shall be provided to school personnel on an annual basis within budget limitations. Such opportunities shall include special course offerings, workshops, visitations from and to other schools, an adequate professional library, assistance from supervisors or consultants, and attendance at professional conferences and meetings. Staff shall always keep classroom teaching a priority and limit attendance to these opportunities accordingly so as not to hinder or interfere with regular teaching. Provision shall be made annually for a Staff Development Program that will be developed with the staff and paid for upon recommendation of the supervisors and approval of the Chief Administrator.

1.23 SUBSTITUTE TEACHER TRAINING PLAN

Both non-Certified and Certified substitute teachers are required to meet with the Personnel Office on their initial employment to receive a general orientation of the school and policies. The substitute teacher will be provided information from the files of the regular classroom teacher including subject matters, daily lessons, a seating chart, lunch schedule, and special education student needs. Within the discretion of the Administration, a Certified substitute teacher may be permitted to attend in-service programs which are conducted by the school district and may also be sent to workshops like a regular classroom teacher. All substitute teachers shall be required annually to attend one of the substitute training classes that are provided monthly during the school term.

1.24 EMPLOYEE STATUS

The School may terminate non-Certified employees with or without cause. A terminated non-Certified employee may not use grievance procedures unless the employee alleges discrimination on the basis of disability or any other protected class including race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, or age (40 or older), which will be handled in accordance with the processes for formal grievances set forth in Section 1.71.02.02 of this Policy. The School will comply with the requirements of 34 C.F.R. § 104.7(a) and (b) in addressing disability discrimination complaints under this Policy. The School may terminate Certified employees for cause or without cause by mutual agreement. Suspension or dismissal procedures against Certified employees should be carried out pursuant to this Policies and Procedure Manual. Certified employees may utilize grievance procedures for all forms of discipline, up to and including termination.

1.25 CONTRACT EMPLOYEE RENEWAL/NON-RENEWAL

Consideration of the continued employment of any contract employee shall be based upon work performance of each employee as indicated by performance evaluations, recommendations as to contract renewal or non-renewal by the employee's immediate supervisor and shall consider the staffing pattern required for operation of the School during the subsequent School term. However, the School reserves the right to non-renew any contract employee at any time, without cause and without relying upon any evaluations or other criteria.

Takini School Board and School administration will adhere to the timeline established in **Appendix G** of this Manual when determining whether to renew or non-renew a current employee for any position.

1.26 EMPLOYEE ORIENTATION

The Chief Administrator and/or his/her designee shall, unless there is good cause to the contrary shown, coordinate and conduct a staff orientation session prior to the beginning of each academic year. The purpose of the orientation is to provide clarification to all employees of the expectations, policies, procedures, resources, and goals of the School for each academic year. Supervisors shall be assigned specific roles in carrying out the orientation program.

The Chief Administrator and/or his/her designee shall be responsible to work with supervisors to ensure all support staff have the required preparation and training as outlined in her/his job description.

All employees shall be required to participate in staff orientation activities prior to the issuance of salary payment.

Employees shall document their participation in orientation by completing a checklist developed by the Chief Administrator which lists those items understood and those items requiring additional awareness. All employees shall also be required to certify their understanding of personnel policies and procedures and other orientation information on this checklist, which shall be placed in their personnel folder.

The new employee shall also be responsible for certifying understanding of policies, procedures, and other items on the orientation checklist prior to assuming their job role and/or receiving any salary payment.

1.27 EMPLOYEE SUPERVISOR

Each employee of *Takini School* will be assigned an immediate supervisor upon their employment at the School. The immediate supervisor of an employee is to be considered a

resource to the employee regarding work task assignments, scheduling, planning, in-service training/staff development, advice regarding policy and procedure and other activities, employee performance expectations and performance outcomes, motivation, and consultation/communication.

1.28 EMPLOYEE SUPERVISOR POLICY ADMINISTRATION

The immediate supervisor of an employee is also responsible for ensuring that the employee functions in accordance with personnel and other policies and procedures, and for administration of these policies and procedures in the event of employee non-compliance.

1.29 SUPERVISOR ROLE IN EMPLOYEE GRIEVANCES

The immediate supervisor of an employee is the initial resource to which the employee is to address any work-related grievances, except that employees complaining of discrimination on the basis of disability or other protected class may proceed directly to the formal grievance procedure set forth in Section 1.71.02.02. Therefore, it is essential that a positive working relationship and communication be established between the supervisor of the employee and the employee.

1.30 SUPERVISOR EVALUATION OF EMPLOYEE PERFORMANCE

The immediate supervisor of an employee is responsible for conducting periodic evaluations of the employee's performance in accordance with the process, outcomes, and criteria identified in the employee's performance evaluation plan. The employee's evaluation will include expectations and outcomes to which employee tasks are to be focused. The outcomes of the performance evaluation will be used by the supervisor in issuing any recommendations for continuing employment, including continuation of employment following completion of the employee's probationary period.

1.31 PERSONNEL EVALUATION

1.31.01 Purpose

The formal appraisal program is intended to assist and motivate employees to attain their maximum potential. It is a means of employee self-improvement. The program is designed to analyze the strengths and weaknesses of an employee. It enables the Supervisor and the employee to direct their efforts toward those personal characteristics, skills, knowledge, and abilities that will make her/him a more effective employee.

1.31.02 Policy

It is the policy to conduct an on-the job performance review with each employee on a regular basis as an employee development activity. Promotions, pay increases, and continued employment are based primarily on performance, step increases, educational attainment, and cost-of-living, not on length of service or longevity. Performance evaluations will be

considered in decisions affecting training, placement, salary increases, promotions, demotions, layoffs, and dismissals.

All employee reviews, evaluations, contract renew or non-renew decisions, letters of intent, advertisements and interviews shall be conducted in accordance with the timelines established in **Appendix G**. However, the Takini School Board and School Administration recognize that from time to time circumstances may occur that make complying with the timelines contained in **Appendix G** impossible. In the event that it is not possible to conform to the timelines in **Appendix G**, the Takini School Board and School Administration reserve the right to conduct employee reviews and evaluations, issue contract renewal or non-renewal decisions, issue letters of intent, advertise and interview potential employees at any time that it becomes necessary.

1.31.03 Frequency of Evaluations

1. The performance of all employees will be reviewed on an on-going informal basis. Formal reviews will be made in accordance with the timelines established in **Appendix G** of this manual as set forth below: The Takini School Board is responsible for the performance evaluation review of the Chief Administrator at least once annually during the month of December.
2. All supervisors shall be evaluated annually in December.
3. All teachers shall be evaluated annually by the end of January.
4. All other employees shall be evaluated annually by the end of February.
5. When an employee's performance becomes markedly better or worse; or
6. When the Supervisor or the Chief Administrator deems it necessary or appropriate.

1.31.04 Promotion/Transfer Review

Within ninety (90) calendar days of transfer or promotion to a new position. At the discretion of the Supervisor, this review may take place sooner if the employee has demonstrated her/his ability to satisfactorily perform the job requirements. Any transferred or promoted employee shall be subject to the ninety (90) day probationary period, and this review is a part of that process.

1.31.05 Evaluation Responsibilities

The employee's immediate supervisor will normally be the rating officer. They will be responsible for evaluating the performance of each employee under their supervision, discussing the completed evaluation with the employee.

The Chief Administrator will evaluate the performance of each supervisor under her/his supervision, and the Takini School Board will evaluate the performance of the Chief Administrator.

1.31.06 Evaluation Procedures

Each supervisor will establish performance objectives for each employee or group of employees. The performance objectives will be based on actual job requirements and will be conveyed to the employee in writing. This will ensure that the employees know what level of performance is expected and understand the basis for success or failure to meet these objectives when evaluated.

It is the supervisor's responsibility to conduct a thorough and impartial review of each employee reporting directly to her/him. If a supervisor is not completely familiar with all phases of an employee's job assignment, a second person knowledgeable of the employee's performance will be requested to assist in the evaluation.

All evaluations will be discussed and reviewed with the employee evaluated.

The following steps may, at the discretion of the supervisor, be observed in accomplishing the evaluation process:

1. Prepare performance requirements by determining how well the supervisor expects the employee to do their duties.
2. Discuss the performance requirements with the employee and adjust them as needed.
3. Observe what the employee is doing.
4. Evaluate the performance against the requirements.
5. Discuss the evaluation with the employee.
6. Take appropriate action.

The Chief Administrator shall prescribe the form on which the evaluation shall be entered.

1.31.07 Elements of Evaluation

Some of the elements of the evaluation which may be measured include but are not limited to:

1. Job proficiency—the ability to perform tasks at or above the job standards.
2. Harmonious Working Relationships—the way an employee gets along with her/his supervisor and fellow workers shall be evaluated. Willingness to accept and to carry out orders is also important.
3. Absenteeism and Tardiness—the punctuality and consistency of attendance of an employee on the job is an important consideration.

4. Errors –errors in work and/or accidents that are attributed to improper performance of job tasks shall be noted and evaluated.
5. Failure to Follow Rules and Regulations–any employee may receive an unfavorable evaluation if s/he disregards written or oral rules and regulations of which s/he could reasonably be deemed to be aware.
6. Relationship with the Public–public relations is an important part of the duties of every employee.

Each supervisor shall evaluate the manner in which her/his subordinates deal with the public. Discourteous treatment, lack of tact, and other elements of misconduct in dealing with the public are valid reasons for an unfavorable evaluation.

1.31.08 Performance Review Interview

Each employee shall be given the benefit of a private performance review interview with the rating officer. The purpose of the private interview is to review the ratings and discuss the employee's job performance. The employee will be allowed a reasonable time to enter comments on the review form. The employee will sign the evaluation form, indicating the evaluation has been explained and discussed. An employee's signature does not mean that the employee agrees with the evaluation, but that he or she understands it and that it has been explained and discussed. The employee can outline agreement or disagreement with the supervisor's appraisal. The review form will not be placed in an employee's personnel file until this has been completed. The evaluation form will then be forwarded to the Chief Administrator for appropriate action.

1.31.09 Unsatisfactory Evaluation

An employee who receives an overall rating of "unsatisfactory" on the annual evaluation may be placed on a ninety (90) day probation at the Chief Administrator's discretion. Job performance will be re-evaluated prior to the end of the probationary period. Employees who again receive overall ratings of "unsatisfactory" will be recommended by the Chief Administrator for termination to the Takini School Board.

1.31.10 Administration and Coordination

The Chief Administrator or his/her designee has the responsibility to administer and coordinate the performance appraisals completed on the staff. Advice and assistance will be given to rating officers and employees to ensure that evaluation and review procedures are carried out in accordance with the provisions of this section.

Each completed evaluation instrument and improvement plan will be placed in the employee's personnel file.

1.32 EMPLOYEE PERFORMANCE EVALUATION OUTCOME GRIEVANCES

In the event that any employee is not in agreement with the outcomes of informal or formal performance evaluations completed by their immediate supervisor, the employee shall be required to follow established grievance procedures to process their grievance.

1.33 EMPLOYEE PERSONNEL FILE MAINTENANCE AND ACCESS

The Chief Administrator and Personnel Office shall be responsible for maintaining employee personnel files. The Chief Administrator and authorized federal, or state government officials, shall have access to employee personnel files. Employees also have the right to access and review their personnel file, however, may not remove the file from the office in which the file is located, nor remove or alter any information in the file.

Personnel records are kept on file in the School Office and should include, if applicable, but are not limited to:

1. Job advertisement
2. Job description
3. Application
4. W-4 and I-9 Form
5. Employment Record-Salary
6. Evaluations
7. Employee Contract
8. Health Certificates
9. Personnel Actions
10. Valid Certificate or License
11. Transcripts of Credit
12. Diplomas
13. Drug-Free Workplace Form
14. Criminal History Background Check. Criminal background checks must be updated every five (5) years
15. Proof of Insurance (if personal vehicle used for school purposes)

All personnel records are considered confidential and are not open for inspection by unauthorized personnel.

Upon her/his written request, each employee has the right to review their own personnel file and to ask for removal of any unnecessary information from the file. No documents may be removed from an employee's personnel file without the approval of the Takini School Board; however, copies of letters, certificates, employment applications, transcripts, or other information in the personnel files may be duplicated by an employee at the request of the

employee. When any employee is reviewing his or her personnel file, a member of the School administration, or designees of the same, shall be present at all times.

All personnel files shall be reviewed annually by the Chief Administrator and/or his/her designee to recommend to the Takini School Board the removal of unnecessary material from those files. Documentation of personnel actions may be removed annually from the personnel folder upon the recommendation of the Chief Administrator and with Takini School Board approval.

Documentation of personnel actions resulting from alcohol-related incidents or serious misconduct shall be maintained for a period of three (3) years with removal from the files upon the recommendation of the Chief Administrator and Takini School Board approval.

1.34 GUIDES AND CONTRACTS

Salary ranges shall be established in order to provide a basis for recognizing individual differences among positions. The objective is to ensure equal pay for equal work.

No employee shall be paid less than the federal minimum wage. Salary increases may be given no more frequently than annually to reward efficient work and career development.

1.34.01 Salary and Wage Schedules

Salary and wage schedules will be reviewed every three (3) years. Any adjustments made to salary and wage schedules will be based on the overall financial status of the school. The salary and wage schedules shall be maintained in the school administration office, and available for review by employees. The Takini School Board shall follow these schedules until they are revised by the Takini School Board.

1.34.02 Salary Increases

Each employee will be evaluated annually. At the discretion of the Takini School Board, and dependent upon funding availability, salary increases may be granted for one or more of the following reasons: step increase, educational attainment, or cost of living.

1.34.03 Entrance Salary

Salary granted to new employees will depend on evaluation of education, experience, and qualifications. New employees may be credited for up to five (5) years of related outside experience. If the employee is a former *Takini School* employee, all previous experience at the School may also be used to determine entrance salary if such experience is directly related to the position hired for.

1.34.04 Temporary Employment Salary

Salary for temporary employees will be based on established rates approved by the Takini School Board, which shall be identified in the salary and wage schedule.

1.34.05 Substitute Teacher Salary

Payment for substitute teachers will be based on established rates approved by the Takini School Board.

1.34.06 Contracts

The Takini School Board does not provide for a continuing contract. All executive, professional, and instructional employees shall sign a contract. Designated administrative positions may also be contract positions. All contracts are one-year or less, non-renewal contracts except for some executive positions where the job description specifies. Their contracts are not deemed to be continuing. Failure to timely renew or failure to provide timely notice of a non-renewal of a contract shall not constitute a constructive or automatic renewal of the prior contract. These employees shall sign an employment contract or agreement prior to beginning employment, with such contract or agreement on file in the employees' personnel file before salary is received. The Takini School Board reserves the right to annually attach such addendums to offered contracts in an effort to improve the performance of *Takini School's* employees. An annual contract, once offered by the Takini School Board, must be accepted or rejected no later than ten (10) calendar days after the date of offer, and may not be altered in any way by the employee or the Takini School Board, unless the parties mutually agree to the alteration.

Instructional personnel (teachers) shall sign a contract annually to provide services for a predetermined number of days per school term. Days missed without approved leave will be deducted at a rate calculated by dividing the contract amount by the number of contract days to acquire a daily rate for deductions, which shall be prorated.

Instructional personnel shall receive their salary on a bi-weekly basis but may opt to be paid over twenty-six (26) pay periods and shall receive bi-weekly salary payment until the contract amount is fulfilled. The employee shall elect which payment plan he or she seeks at the start of the contract term.

Contract teachers sign a contract to work for the approximate equivalent of nine months, with actual days worked to be established by the Takini School Board when it sets the school calendar. Days missed without leave will be deducted from an instructional personnel's paycheck by dividing the contract amount by the number of school days in that year. Before a teacher receives his/her paycheck at the end of the school year, the teacher must complete

certain tasks, including but not limited to the following: report cards, promotional summaries, cumulative folders, classroom inventories, classroom cleaning, and orders.

Support Staff and are paid bi-weekly at their hourly rate based on hours of service provided during a two (2) week period.

1.34.07 Benefits

Fringe benefits for Certified personnel shall be established by the Takini School Board on an annual basis and shall be indicated in the employee's contract.

Employees may have one (1) voluntary salary deduction, not exceeding 40% of their bi-weekly pay, to be processed through the Business Department. To ensure financial accuracy and accountability, the Business Office Staff are not eligible for a voluntary deduction. Employees will be charged a \$5.00 Administrative Fee for each voluntary payroll deduction that is processed per pay period until it is paid in full.

1.35 POSITION CLASSIFICATION

The Chief Administrator shall develop and recommend to the Takini School Board a classification plan for all positions. The Chief Administrator shall be responsible for the operation and maintenance of the position classification plan for the school. The Takini School Board considers all positions vital to the smooth functioning of the School and requires all employees to work together as partners to provide the best learning situation for students of the School.

Only those positions approved by the Takini School Board may be implemented. Only the Takini School Board may create or abolish a position.

The purpose of the position classification plan shall be to:

1. Provide the school employees with a means to identify work distribution, areas of responsibility, lines of authority, and other relationships between positions.
2. Provide uniform titles for positions.
3. Establish that all positions will be paid according to specific salary schedules.

The position classification plan shall be based upon the analysis of the duties and responsibilities of each position and will be maintained on a current basis. The plan will include:

1. An appropriate classification of each kind and level of work.
2. A description of the duties and responsibilities of each classification.
3. A statement of the knowledge, skills, and abilities generally needed to perform the work.
4. A statement of any special qualifications necessary to enter the position.

1.35.01 Procedure for New Positions

All requests for new positions will be made to the Chief Administrator who may either approve or disapprove the request considering the budget and need. If the Chief Administrator approves the request, the Chief Administrator shall then work with the supervisor to develop a job description. Once the job description is written, the Chief Administrator will compare the qualifications to the established plan to establish a pay level to be assigned. The request will then be submitted to the Takini School Board for approval. If approved, the Personnel Office will take action to fill the position.

1.36 QUALIFICATIONS

Job qualification requirements shall be equivalent to those established by the appropriate licensing and certification authorities relied upon by *Takini School*, which are currently adopted from the State of South Dakota.

Teachers and other Certified staff must be Certified in the State of South Dakota with majors or minors in the field of their employment.

Nonprofessional staff members should be high school graduates or have a GED equivalent and shall meet all job requirements.

All other staff must meet applicable federal and state licensing, certification, and job requirements.

1.37 POSITION RECLASSIFICATION

When the duty assignments of an employee have changed substantially as to kind and level of work, the supervisor or employee may initiate a request for change in the pay class level in writing to the Chief Administrator. The request should outline the reasons why the employee and/or supervisor feel change is needed. All requests must be routed through the supervisor who will provide her/his input to the request.

If the Chief Administrator determines that the position has changed sufficiently to warrant a change in pay/class level and budget considerations have been made, recommendation will be made to the Takini School Board for approval or disapproval.

A position may be reclassified on the basis of change in or re-evaluation of the duties, responsibilities, and qualification requirements of the position. The Chief Administrator shall recommend such reclassification as is justified.

1.38 HEALTH EXAMINATION

All employees of the School shall be required to have a physical examination at their own expense within thirty (30) calendar days of their starting date of work and every three years thereafter, and shall file a medical certificate attesting to the employee's freedom from communicable disease(s), including tuberculosis, in their personnel file. TB tests shall be required annually for all school employees and are the financial responsibility of the employee. Employees must take either sick or personal leave to conduct their tests.

1.39 PAYROLL PROCEDURES

1.39.01 Employee Guidelines

Employees shall be paid according to their contract agreement on file in the Personnel Office with the following guidelines:

1. Employee payroll shall be issued on a bi-weekly basis, one week following the end of the pay period, and leave accrual shall be based on the amount of hours actually worked.
2. Each pay period begins on Sunday and ends on Saturday, two weeks following.
3. No salary advances or employee or Board member loans of any kind shall be authorized for any employee or Board member. An employee who is experiencing a death in the family or a medical emergency may request an early check release by filing a written request with the Chief Administrator's Office with a copy to the Business Office. No early check release will be granted earlier than the Tuesday following the end of the pay period, and shall only be granted upon confirmation by the Business Office that the employee's timesheet has been submitted, is correct, and is approved by the Supervisor. Any payroll deductions in place will be honored on early check releases. The Business Office will contact the employee directly when a check is ready to be picked up.
4. No salary payments shall be made to employees who do not have an employment contract approved by the Board and signed by the employee on file.
5. Employee payroll shall not be made without a signed and completed timesheet documenting actual hours of employee service for that pay period.
6. Supervisors shall submit all timesheets by noon on the last day of the pay period.
7. Payroll direct deposits shall be issued to all employees, including the temporary or substitute employee personnel on Friday the week of payroll.
8. ALL employees must have an I-9 and W-4 form on file in the payroll office prior to receiving any payment for services.
9. Each employee, temporary employee, and substitute employee must have a copy of a Social Security Card on file in the Business Office prior to receiving a payroll check.
10. Must file job certification semi-annually.
11. Payments for stipends must be approved by the Chief Administrator and must be taxed accordingly.
12. Extra duty for athletic and activity assignments shall be paid at the completion of their extra duty activity and must be approved by the Athletic Director and the Chief Administrator. However, all extra duty payroll checks shall be disbursed through the normal payroll process, and checks shall be combined into one paycheck whenever possible.

13. Any employee who takes the option to pro-rate their contract (if eligible) will not have the option of stopping that pro-rate.
14. Any employee with responsibility for approving timesheets, leave slips, or payroll functions who fails to perform their duties, approves payroll payments without the required signatures and documentation in place, or falsifies payroll records is subject to discipline including up to termination.

1.39.02 Payroll Preparation

1. New personnel information shall be given to the Payroll Clerk and Accountant by the Human Resource Director.
2. Written termination notices shall be required for documentation reasons.
3. Payroll files will be kept in a secure area.
4. Attendance shall be verified for payroll hours.
5. Review of records shall be done to ensure approvals of Supervisors and the Chief Administrator.
6. Overtime hours, rates, and computations will be verified.
7. Rates will be verified.
8. Payroll will be overseen by Human Resources and signed by Supervisors and Payroll Clerk before being sent to the bank.
9. Pay stubs are processed by someone other than the Payroll Clerk or Accountant.

1.39.03 Year End W2 Preparation

Total W2 wages shall be reconciled with 941's. Any W2 forms that are returned shall be held on site for 10 (ten) years.

1.40 OVERTIME COMPENSATION

With effective planning and efficient management, overtime work is not required. Overtime work shall be permitted only upon the authorization of the designated supervisor and/or Chief Administrator and shall be in writing. Only nonexempt employees are eligible for overtime.

It is anticipated that exempt employees shall be expected to incur some overtime hours as part of their duties and responsibilities, and they shall not receive additional overtime pay for those hours worked.

Prior to incurring overtime which will lead to overtime compensation, the employee shall request advance approval in writing from their immediate supervisor and/or the Chief Administrator. Employees may be disciplined for not requesting prior approval from their immediate supervisor for overtime requests.

“Non-exempt employees” as defined in the Fair Labor Standards Act, and above in this document, who elect to be paid for overtime rather than take compensatory time shall be paid at one and one-half (1 ½) times their hourly rate of compensation for all involuntary or permitted hours more than forty (40) hours per work week. False claims regarding overtime by employees

shall subject the claimant to immediate discipline up to, and including, termination. Exempt employees shall not be entitled to overtime pay for overtime hours worked.

1.41 STAFF MEETINGS

Supervisors shall conduct regular meetings at least once a week that do not significantly interrupt work schedules with the personnel they directly supervise and shall document the outcomes of the meetings, inclusive of agenda items, decisions made, committees formed, tasks delegated, timelines for the completion of activities, and other appropriate information. This information is to be disseminated to those in attendance within five (5) days of the meeting to assist in communications.

1.42 CONSULTING

Personnel wishing to provide consultant services to other agencies are required to submit a request to their immediate supervisor who shall consult with the Chief Administrator for approval.

Personnel receiving approval to provide consulting services must utilize personal leave or leave without pay when providing time consultant services unless consulting is done on a day of legal discontinuance or off-duty hours. Personnel shall not be allowed more than five (5) days per year of annual/personal leave for consulting purposes, with no more than two (2) consecutive days at any one time.

1.43 LEAVES AND ABSENCES

There are specified forms of leave available to *Takini School* personnel as set forth in this Section, all of which require advance approval by the requesting employee's Immediate Supervisor, and in some cases require approval of the Chief Administrator as specified herein. The Chief Administrator must obtain permission in writing from the board Chairperson who shall be responsible for approving the Chief Administrator's leave request.

No leave shall be allowed during Orientation, the first two weeks of classes, or the last two weeks of school (to include: personal, annual, and leave without pay) unless approved in advance by the Chief Administrator. If prior leave arrangements have been made by an employee and the school dismisses early, the employee will not be charged for leave pre-approved for the time period in which school was discharged early.

Denial of leave during such period cannot be appealed and is not subject to this Personnel Policy.

Applications for leave must be made through established procedures and as far in advance as possible. All employees must receive prior approval for all leave requests, except in

emergencies. Failure to receive approval in advance may result in assignment of Absent Without Leave (AWOL) status, and may result in personnel action, including termination.

At the discretion of the immediate supervisor and Chief Administrator, Leave Without Pay (LWOP) may be granted to an employee for extreme emergencies. Leave without pay refers to unpaid leave, will be considered excessive after three (3) days have been granted, and may result in personnel action, including termination.

There shall be no advance leave granted. Advance leave is defined as deductions from future leave not yet earned by the employee. As such, employees cannot accumulate negative balances of leave.

When personnel take leave for a dual purpose such as for both a school and non-school related activity, such leave shall be leave without pay if the employee is compensated by another organization for the non-school related activity. If such compensation is less than the employee's salary, the Takini School shall offset the balance, and the calculation shall be made with appropriate documentation provided by the employee. The Business Manager shall be responsible for submitting a leave report to the Chief Administrator for Takini School Board review (prior to contract renewal), reporting cumulative leave taken annually.

Personnel must input a request for leave into the TCP system and obtain approval through the TCP system prior to taking any form of leave. For any employee who experiences an unforeseen medical issue or family emergency, the employee must contact the Immediate Supervisor as soon as possible to request leave directly by calling. Text messages, emails, or calls from third parties are not allowed. Employees who are sick must contact the Immediate Supervisor by the start of the School Day to obtain approval of sick leave. The Chief Administrator shall obtain approval of Leave from the School Board President, and may do so using DocuSign software or other form of electronic signature approved by the Business Office.

Any employee who does not seek and obtain TCP system (written approval in the case of the Chief Administrator) leave approval shall be considered Absent Without Leave and shall take Leave Without Pay for any hours not approved in advance, and shall be subject to discipline under this Personnel Policy. Any employee who is AWOL who does not call or show up to work for three consecutive workdays shall be considered to have abandoned their job position and shall be deemed to have resigned from their position. There is no grievance available when an employee has abandoned their job. Under no circumstances will any employee on AWOL or LWOP status accumulate any type of leave during that time period.

The Takini School Board realizes employees may have emergencies for essential matters that cannot be met during off-duty time. However, applications for leave must meet established procedures and be as far in advance as possible. All employees must receive prior approval from their immediate supervisor in the TCP system for all leave requests, except in emergencies. Failure to receive approval in advance may result in assignment of absent without leave (AWOL) status and disciplinary action up to and including termination in accordance with discipline policies. Accrued leave will be accrued each pay period the employee works and will be reported on the employee's pay stub each pay period.

The Business Manager shall be responsible for submitting leave reports to the Chief Administrator for Takini School Board review, reporting accumulated leave taken annually. The Business Manager will monitor leave to assure no leave is taken in excess of amounts earned and shall notify immediate supervisors and the Chief Administrator of any violation of the leave and absence policies. Immediate supervisors are responsible for addressing leave and absence policy violations through the personnel discipline policies.

Chronic absenteeism is grounds for personnel discipline action. Chronic absenteeism is defined as an employee's absence from work for 10% or more of their scheduled workdays within a school year, regardless of whether the absences are excused or unexcused..

The Board's denial of leave requested by the Chief Administrator is a grievable event to the school board consistent with school board policies.

The following are the only types of Leave that may be approved for personnel:

1. Administrative
2. Annual
3. Educational
4. Family Care
5. Holidays
6. Jury Duty
7. Military
8. Sick
9. Spiritual
10. Switch Time for certain personnel specified in the switch time policies

Absence without leave is a serious act of misconduct, is not compensable, and shall subject the employee to disciplinary action up to and including termination.

1.44 ADMINISTRATIVE LEAVE

Administrative leave is defined as paid leave granted by the Chief Administrator or his/her designee only for the following situations: conferences and visitations, weather-related or road condition-related school closings, and any other required closing of the school necessitating the dismissal of staff.

Unpaid administrative leave includes, but is not limited to, pending disciplinary proceedings against personnel and/or any other situations requiring temporary removal of an employee from his/her position necessary for the good of the school.

1.45 ANNUAL LEAVE

Nine (9) month personnel shall be granted eighty (84) hours of personal leave pro-rated and accrued during the course of the contract term. Twelve (12) month personnel shall be granted one hundred and twenty (130) hours of personal leave pro-rated and accrued during the course of the contract term. Employees may not use Annual Leave during their ninety (90) day probationary period accrued during the course of the contract term. Leave accrues during each pay period. Leave does not accrue for any period where the employee is on leave without pay. Annual Leave may also be called Personal Leave on pay stubs or financial systems.

Leave must be approved three (3) days prior to the employee taking leave. The use of Annual Leave is a privilege rather than a right and is subject to Immediate supervisor approval. Approval of Annual Leave which has been scheduled and approved may be withdrawn if warranted by workload requirements and/or the need of the employee's services. Immediate Supervisors are responsible for approving or disapproving annual leave. At the end of the 2023-2024 school year, the Takini School Board authorized the one-time carryover of 100% of employees' Annual Leave balance. As of the 2024-2025 school year, carryover will be permitted with the limitation that up to 40 hours of Annual Leave may be carried over to the next contract year.

Annual Leave accrued but not used may be paid at the end of the contract if approved by the School Board after verification that the Takini School has funds available to pay personal accrued unused leave.

1.46 FAMILY CARE LEAVE

Employees may be granted up to twelve (12) weeks of unpaid leave in any twelve (12) month period for the purpose of their own health condition or the birth or placement for adoption or foster care of a child, or to care for a family member who is defined as child, parent, or spouse who has a serious health condition.

The Takini School Board may require certification, on a periodic basis, of the family member's continuing serious health condition by the family member's physician and/or a physician

selected by the Takini School Board. Employees may use accrued leave available during the twelve (12) week unpaid leave. Employees are expected to follow the provisions of the federal Family and Medical Leave Act, which supersede any contrary provisions in this policy, if applicable. *See* 29 U.S.C. §§ 2601-2654.

1.47 HOLIDAYS

Personnel and temporary employees shall be provided with paid holidays. If the holiday falls on a Saturday, the Friday before will be taken as a holiday. If the holiday falls on a Sunday, the Monday after will be taken as a holiday.

Twelve (12) month contract employees will be compensated for the following paid holidays, which may include: Juneteenth (June 19), Victory Day (June 25), Independence Day, Labor Day, Native American Day, Veteran's Day, Thanksgiving Day and the Friday after, Christmas Eve Day and Christmas Day, Day of Mourning (December 29), New Year's Day, Martin Luther King Day, Presidents Day, Easter Monday, and Memorial Day.

Nine (9) month contract employees will be compensated for the following paid holidays, which may include: Labor Day, Native American Day, Veteran's Day, Thanksgiving Day, Christmas Day, Day of Mourning (December 29), New Year's Day, Martin Luther King Day, Presidents Day, Easter Monday, and Memorial Day.

1.48 JURY DUTY LEAVE

Leave shall be granted to any employee duly called and accepted for jury duty, whether or not they have asked the court to be excused. Such leave shall be leave without pay if the employee is compensated for jury duty. If such compensation is less than the employee's salary, Takini School shall offset the balance, and the calculation shall be made with appropriate documentation provided by the employee.

1.49 MILITARY LEAVE

An employee shall be allowed approved leave of absence from her/his duties without loss of status or efficiency rating while performing "Ordered Military Duty," with full employment and compensation reinstated upon return, as provided by law.

"Ordered Military Duty" means any military duty or while reporting to and returning from duty not to exceed a total of fifteen (15) workdays in any one calendar year. If an employee is called to duty and has used all his/her military leave, the employee shall be granted leave without pay on request or may be granted annual/personal leave if s/he desires.

Military auxiliary members (e.g., American Legion or V.F.W.) may be granted unpaid leave, at the discretion of the Chief Administrator with notification to immediate supervisor for purposes relating to their obligations, but may use personal leave, if available.

1.50 SICK LEAVE

Sick Leave is earned by all employees at a rate of four (4) hours per pay-period for each pay period of actual work. Sick Leave is earned only during the duration of the contract. Year-round employees will accrue for all pay periods. School employees will accrue for the span of their contract. All pay periods are biweekly. Leave accrues during each pay period. Leave does not accrue for any period where the employee is on leave without pay. At the end of the 2023-2024 school year, the Takini School Board authorized the one-time carryover of 100% of employees' Sick Leave balance. As of the 2024-2025 school year, carryover will be permitted with the limitation that up to 80 hours of sick leave may be carried forward to the next contract year. Sick Leave may be called accrued leave on pay stubs and payroll records. All requests for Sick Leave in excess of two (2) consecutive days require submission of a health care provider's certification of illness/documentation of illness to be approved.

Employees may donate up to 40 hours of their sick leave to another employee with the approval of their immediate supervisor and the Chief Administrator.

1.51 SPIRITUAL LEAVE

Employees may use their own annual leave in accordance with the annual leave approval process to attend spiritual events and activities.

1.52 SWITCH TIME LEAVE

Switch time leave is available to the following department leaders in recognition of their work beyond their contractual obligations: Chief Administrator, Business Manager, K-12 Principal, Maintenance Supervisor, Transportation Supervisor, IT Supervisor, Nurse, Food Service Supervisor, and HR Supervisor. Each of these employees may accrue up to forty-eight (48) hours of switch time leave, which they must track and use, if at all, before the end of the school year. Switch time does not roll over and is not eligible to be bought out. Before claiming and/or using switch time leave, the Chief Administrator must review work logs and work product to confirm the accrual of time. To use switch time leave, the Chief Administrator must have the approval of the Chairperson of the School Board, and all other eligible employees must have the approval of the Chief Administrator.

1.53 PROFESSIONAL PUBLISHING

Employees are encouraged to write and prepare professional material for publication in their areas of expertise. Employees who prepare material on their own time without use of school facilities or equipment are not required to submit such material for review prior to publication.

Employees who desire to copyright, patent, or market material prepared totally or partially on school time, shall submit a copy of such material to the Chief Administrator for review accompanied by:

1. The names of persons who participated in preparation of the material;
2. The percentage of duty time spent by these persons during preparation; and
3. A statement as to whether royalties would be waived in any purchases of the material which might be made by the School.

The Takini School Board may authorize the sale of copies or reproduction rights to instructional material prepared by the School to other School systems, organizations or commercial firms. The Takini School Board shall own the copyright if copyrightable materials of any kind are produced for school use.

1.54 LABOR, TEACHER, OR EMPLOYEE UNIONS

Employees have the right to join or participate in the activities of organizations of their choosing; however, *Takini School* does not participate in or recognize any formally organized employee State, Federal, Tribal, or other labor union for the negotiation of employee salaries, fringe benefits, or any condition of employment. The Chief Administrator or her/his designee, and/or the employee's supervisor may, however, informally consult with employees on an annual basis to acquire input into the formulation of employee salary schedules, fringe benefits, and conditions of employment which may be appropriate for the following year's work term.

1.55 POLITICAL ACTIVITY

The Takini School Board recognizes and encourages the right of employees to be engaged in activities that exemplify good citizenship. However, employment in the school shall not be offered as a consideration for the support or defeat of any political party or candidate for public office (Tribal, Local, Federal, and State). Employees are prohibited from using any school property or work time to further political purposes of any kind.

Employees shall not have the right to engage in unorganized labor activities during the academic day, or when they are on school property, unless such activity is protected by and in conformity with federal law, including but not limited to the Indian Self-Determination Act and the Labor Management Relations Act. Unprotected or legally nonconforming behavior related to unorganized labor activities may result in disciplinary action up to and including termination of employment.

1.56 NEWS RELEASES

News releases to the press of a non-controversial nature and stories of general interest may be released through the Office of the Administration. When any newsworthy event or other subject

is to be released that might stir controversy in the community, it must be submitted to the President of the Takini School Board prior to release.

1.57 CONFLICT OF INTEREST

No member of the staff, school volunteer or staff family member shall engage in or have a financial interest in any activity that conflicts or raises a reasonable question of conflict with her/his duties and responsibilities in the school system or engage in any type of private business during school time or on school property. Staff must abide by the Professional Code of Conduct for educators when having contact with children outside of the school.

Every employee is required to disclose to the Chief Administrator or Human Resources Officer potential, actual, or apparent conflicts of interest on the Conflict of Interest Disclosure Form. The Chief Administrator or Human Resources Officer is required to disclose to the School Board potential, actual, or apparent conflicts of interest. No employee may be present during any part of the decision making process where a potential, actual, or apparent conflict of interest exists, and may not participate in the vote on any matter involving a conflict of interest.

Conflicts of interest are defined as:

1. Personal financial gain, for purposes of this policy, is defined as financial benefit to the person or their immediate family.
2. Personal conflict of interest, for purposes of this policy, is defined as a conflict involving personal relationships in which the School Board determines on the basis of objective evidence that the decision maker is not capable of making an objective decision.
3. Immediate family members, for purposes of this policy, are defined as parent, grandparent, child, grandchild, or sibling, whether by blood, marriage, or adoption. Immediate family members shall also include all persons living within the household of the employee.

Conflicts of interest are prohibited. Examples of conflict of interest include:

1. Employees receiving any financial benefits whatsoever from the purchase of goods or services from the school.
2. Employees having a direct or indirect interest in a contract that has not been disclosed. Such contracts shall be considered null and void.
3. Employees who are elected to the Cheyenne River Sioux Tribal Council. Any employee member may run for Cheyenne River Sioux Tribal Council. However, if elected to such a body, he/she must resign from employment.
4. When a person applying for employment is a member of the immediate family of an employee which by rule or practice regularly nominates, recommends or screens candidates, that employee shall be disqualified from participation in any selection procedure or subsequent personnel action. The requirements of this section shall include service contracts.

5. Employees so related participating in any decision making involving a member of their immediate family. Such employees shall abstain from any decision making involving immediate family members.
6. Acceptance of gifts, gratuities, or meals from contractors or personnel employed by the school or under consideration for employment or contract with the school unless such gift or gratuity is first disclosed to the School Board and then approved by motion. If not approved, such gift or gratuity shall be turned over to the School for disposition. In recognition and support of local customs, those gifts given as part of community activities or Lakota custom are allowed, as long as the employee discloses the gift, in writing, to the Chief Administrator, and the School Board approves the gift on the record.

Every employee is required to disclose to the Chief Administrator actual or apparent conflicts of interest on the Conflict of Interest Disclosure Form. The Chief Administrator is required to disclose to the School Board actual or apparent conflicts of interest. Where a conflict of interest involves an employee, that employee shall remove themselves from the decision making process, including leaving the room until a decision has been made on the issue, and shall refrain from participation in the decision making, including discussion of the issue.

If another Board member, School employee, or any other person raises an employee conflict of interest, the employee may remove themselves from participation in decision making, or the Chief Administrator may remove the employee from decision making. In the case of the Chief Administrator, the School Board may remove the Chief Administrator from decision making by a majority vote.

1.58 PUBLIC APPEARANCES

Personnel making public appearances not on behalf of the Takini School Board or Chief Administrator shall take appropriate leave to do so. They should represent the school in a positive way. False allegations regarding the School, School Officials or Employees are libelous or slanderous and shall be grounds for disciplinary action, up to and including termination. This includes statements made on Social Media.

1.59 TUTORING PAY

Teachers or other employees of the school shall be required to submit written documentation to the administration or designee for tutoring students. Additional pay and scheduling will be determined by the administration.

1.60 GIFTS AND SOLICITATION

To avoid a conflict of interest, employees of the School may not accept money, gifts, or gratuities from persons who vend to or receive benefits or services under *Takini School's* programs. In recognition of tradition, those gifts given as part of traditional custom are allowable. In

recognition and support of local customs, those gifts given as part of community activities or in exercise of Lakota customs, e.g., funeral giveaways, are allowed.

Employees will not sell, solicit for sale, or advertise for sale merchandise or services, or organize students for such purposes, without the approval of their respective supervisor.

1.61 NON-SCHOOL EMPLOYMENT

Employees have a primary obligation to competently perform the job for which they were employed by the *Takini School*. *Takini School* recognizes the right of individuals to meet their overall economic needs, and school staff may perform work extending beyond their basic employment responsibilities at the *Takini School* as long as these activities do not interfere with or reduce the work performance of the employee at the School, result in dual compensation of the employee, or cause poor public relations for the School.

Before accepting a second job, employees must receive prior approval of the Chief Administrator. Approval by the Chief Administrator is subject to the following conditions: (1) that *Takini School's* work requirements including necessary overtime will take precedence over employee's other job; (2) employee's job performance will not be sacrificed; (3) the School is not responsible for injuries or sickness resulting from employment outside the School; and (4) employees cannot work in a business which is in direct competition with the School.

1.62 COMMUNITY INVOLVEMENT

The creation of increased community involvement in support of the School's activities is important. Therefore, all employees of the School are expected to commit and provide their fair share of time and effort in supporting and helping at the School/community activities and functions that are sponsored by the School without an expectation of additional compensation. Community involvement and support is included as one of the primary criteria for employee performance evaluation, and employees will be required to identify specific activities that they will perform and/or assist with to enhance community involvement at the School to meet this evaluation criterion.

1.63 EMPLOYEE PROMOTION

Whenever new jobs are created or vacancies occur in a higher-rated position that may provide salary advancement, present employees who meet job qualifications may be eligible for consideration.

1.64 EMPLOYEE TRANSFER

Personnel may transfer within the School on a voluntary or involuntary basis, unless position advertising restrictions prohibit such transfer. Transfer may not be used as a means of disciplinary action.

1.64.01 Voluntary Transfer

Employees may request transfer of assignment from one department or job to another which may be granted when in the best interest of the employee and the school.

Personnel wishing to transfer to another position within the school shall notify the Chief Administrator of reasons for the request and the position to which transfer is desired. The Supervisor shall refer the request for transfer to the Chief Administrator who shall make the final decision.

1.64.02 Involuntary Transfer

If an involuntary transfer is in the best interest of the school, the Chief Administrator will discuss the need for a transfer with the immediate supervisor of the person involved and provide the Takini School Board with information concerning the need for a transfer. The Chief Administrator shall meet with the person(s) involved to discuss the reasons for a transfer and shall make final recommendations concerning the transfer. Noncompliance with the transfer request of the Takini School Board may result in loss of employment to person(s) involved. A transferring employee shall be paid at the salary, pay, or grade of the new position, whether more or less than the old position, but the Chief Administrator may consider maintaining the transferring employee's former salary, pay, or grade, but is not required to do so.

Transfers of support personnel shall be made in the best interest of the school and employee preference may be considered. The Chief Administrator may take into consideration the recommendation of the transferring employee's supervisor prior to transfer. If an employee is transferred to a vacant or soon-to-be vacant position, then the requirement for advertisement of that position is waived by the Takini School Board, and only the position being left vacant by the transferring employee shall be advertised, unless the former position is the subject of a reduction in force.

1.65 REDUCTIONS IN FORCE

A reduction in force (hereinafter "RIF") is defined as a situation where staff reductions become necessary because of one of the following: (1) a position no longer serves the mission or purpose of *Takini School*; (2) reductions in funding sources have occurred; or (3) budget shortfalls have occurred or are reasonably projected.

The Takini School Board may lay off an employee or may reduce an employee's hours if a RIF is determined to be necessary. The Takini School Board, whenever possible, will provide as much advance notice as possible to potentially affected employees. The Takini School Board shall notify all personnel in writing as to their job status in any RIF action by the Takini School Board.

An employee laid off due to a RIF action (hereinafter “rified”) may be given priority in hiring for job vacancies for which they are qualified. This priority for rehiring shall end, in all cases, at the end of the school year in which the employee was rified. The position offered may be at a lesser salary than the former salary of the rified employee, under conditions which are less than the former position of the rified employee, or may be a position for which the rified employee would normally consider himself or herself to be over-qualified. If a rified employee is offered a position, and that rified employee rejects it or fails to accept it within five (5) days, then *Takini School* shall not give the rified employee priority consideration for any further positions and obligations of *Takini School* under this policy shall cease. This preference for rehiring shall also end when a rified employee accepts employment with *Takini School* or any other employer. All personnel must keep the Chief Administrator informed of their current mailing address in order for them to be eligible for employment.

In the event that RIF becomes necessary, the employee contract with *Takini School* is considered to be lawfully terminated pursuant to the terms of the employee’s contract. Employees who are laid-off or dismissed as a result of RIF shall not have access to the grievance system for employees, unless the employee complains of discrimination on the basis of disability or other protected class.

1.66 PERSONNEL RESIGNATION

Any at-will, non-Certified employee may resign at any time with consent of the Takini School Board. Support personnel wishing to voluntarily resign from their position shall give written notice of separation to the Chief Administrator fourteen (14) calendar days prior to leaving their employment.

A contracted Certified employee may resign effective at the end of her/his current contract. If the Chief Administrator becomes aware of a situation which may constitute a possible resignation, the employee shall notify the Chief Administrator, who shall then notify the Takini School Board within forty-eight (48) hours.

Once an employee has signed a contract, the employee may not terminate or cancel his/her contract, unless the Takini School Board has given its consent. In cases where an employee has breached his/her contract by departing during the contract year, terminating or canceling the contract without the Takini School Board consent, the Takini School Board may consider legal action. The Takini School Board may levy five (5) percent on the financial value of the entire current contract of the Certified employee as liquidated damages as a retroactive salary adjustment, which represents a fair estimation of damages suffered by the School to replace the employee, not including any other damages that may be suffered by the School for which the School may seek legal redress. This amount may be deducted from any remaining salary due and owing to the employee.

1.67 RE-EMPLOYMENT

The Takini School Board will, whenever possible, notify an employee up for contract renewal or non-renewal for the following year by the first Monday in April. Failure of the Takini School Board to do so does not constitute an expressed or implied promise to renew the contract for the following year.

The employee must notify the Takini School Board in writing whether s/he accepts or rejects the re-employment offer within ten (10) calendar days following the date of notification. Failure to provide the Takini School Board with such notification, writing new terms into the contract, or signing a contract under protest shall constitute a rejection of the contract offer and shall mean that the employee is no longer entitled to the requirements of the RIF policy of this manual. Signing an offered contract constitutes proper notice of acceptance, but the contract shall not be deemed executed until it has been signed by a representative of the Takini School Board.

The contract employee's supervisor is responsible for recommending contract renewal or non-renewal of teachers to the Chief Administrator for Takini School Board approval on or before April 1. If an employee was subject to a lay-off, rehiring shall be carried out on the basis of the RIF policy.

1.68 PERSONNEL TIME SCHEDULE

The Takini School Board requires employees to report to work punctually as scheduled and to work all scheduled hours.

It is the responsibility of the supervisor to keep an accurate record of employee time and attendance and to discuss with the employee any difficulties that they may have in this area.

The regular daily time schedule for personnel shall be a minimum of eight (8) hours per day, unless otherwise indicated by the Chief Administrator, in consultation with the Supervisor. Forty (40) hours constitutes a regular work week. All full-time support personnel are expected to work forty (40) hours per week, on a schedule set by their supervisor. Supervisors may implement varying time schedules for support personnel based on the needs of the School after consulting with the employee and the Chief Administrator.

Support personnel are not to have their own children, family members, friends, or significant others at their duty station during the regular workday, unless authorized by the supervisor. This includes children not of school age and school-age children.

1.68.1 PERSONNEL TIME CLOCK

The Takini School Board has approved the purchase and use of a fingerprint recognition time clock system. The School Board understands that the accuracy of attendance during work hours is critical. Fingerprint recognition will be the only way to clock in and out of the School and is expected to improve the accuracy of attendance. In the event that the fingerprint recognition time clock system is unable to read an employee's fingerprints when the system is set up, the Business Manager will authorize that employee to set and use a pin number in lieu of a fingerprint to clock in and out, and this policy will apply to that employee in all other respects.

Only Human Resources and the Business Manager will be able to access the reports from the system. They will provide supervisors with weekly reports to ensure that leave slips and times are correct. Staff not clocked in will be held accountable and required to use leave or take leave without pay, consistent with these Policies and Procedures. *See, e.g.*, Sections 1.43, Leaves and Absences, and 1.78, Disciplinary Action. There will be a grace period of six (6) minutes if an employee clocks in late but within the same quarter hour (e.g., if an employee is scheduled to begin at 8:00 am, no leave will be deducted if the employee clocks in by 8:06 am, but leave would be deducted if the employee clocked in at or after 8:07 am). Supervisors will be responsible for progressive discipline of employees when there are repeated issues with failure to clock in or out or if the grace period is abused. Employees whose work is funded from multiple sources or whose roles change throughout the day must clock out and then clock back in as directed by the Business Manager to ensure accurate timekeeping.

1.69 PERSONNEL WORKLOAD

The workload of personnel shall be determined after consultation between the supervisor, Chief Administrator, and Takini School Board and commensurate with needs of the school.

1.70 EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES

1.70.01 Applicability of the Grievance Process to Personnel Matters

A grievance is defined as a complaint of an employee concerning interpretation or application of an employment related policy, rule, or regulation by supervisors or fellow employees. This includes complaints that do not involve personnel disputes. Grievance Procedures also apply to Suspension from Employment and Contract Termination. The Chief Administrator may place an employee on suspension without pay and may terminate, or suspension without pay pending investigation of child abuse or neglect. These actions are not subject to the grievance procedure.

Grievance procedures are not available for concerns with conduct of other employees in the workplace, except for complaints of harassment or bullying. Concerns with the conduct of employees other than complaints of harassment, bullying, or discrimination on the basis of

disability or another protected class should be addressed to the Immediate Supervisor for resolution within the Chain of Command.

Failure to follow the chain of command and procedures in this Policy is grounds for disciplinary action. This includes disclosing confidential information related to grievances by taking the grievance to social media or other public networks, taking the grievance to a School Board member or the School Board as a whole, taking the grievance to a Tribal Council member or the Tribal Council or Education Committee, reporting directly to any employee of the BIE, unless it is an allegation of child abuse not being reported, or an allegation of assault or sexual assault that has been reported and no action has taken place. Any employee's concerns about the proper procedure for addressing concerns should be directed to the Human Resources Officer.

Grievance procedures are available to an employee until exhausted under policies and procedures of the Takini School, if filed according to the timeline set forth below. Any information concerning an employee grievance is to be held in strict confidence by Takini School Administration and Staff and by the grieving employee.

1.70.02 Grievance Procedures

1.70.02.01 Informal Meeting

Any employee with a grievance, except for a complaint of discrimination on the basis of disability or another protected class, must first meet informally with the Immediate Supervisor within four (4) regular business days of the incident giving rise to the grievance to attempt to resolve the grievance. If the grievance involves an allegation of assault, harassment, sexual harassment, or bullying involving the Immediate Supervisor or the Chief Administrator, the employee shall meet with their Immediate Supervisor's Supervisor informally. If the grievance is against the Chief Administrator for his/her personal misconduct then that grievance shall proceed directly to the Board. If the matter is not resolved by the end of the fourth day after the incident giving rise to the grievance, the employee may proceed to file a formal grievance.

1.70.02.02 Formal Grievances

If an employee has addressed a grievance through the informal procedure set forth in Section 1.71.02.01 and the matter is not resolved by the end of the fourth day after the incident giving rise to a grievance; or in the case of contract suspension or termination of an employee; in any case of assault, sexual harassment, harassment or bullying, or misconduct of the Chief Administrator or Immediate Supervisor resulting in discrimination not permitted under federal law against any employee; the employee may file a formal grievance in writing.

The Chief Administrator shall also have the same rights as all other employees to file grievances for the same reasons granted to employees.

The Chief Administrator will proceed directly to the board hearing process for all grievances she/he may file. Formal grievances regarding any matter that is not an appeal of a contract suspension or termination; or a Formal Grievance against the Chief Administrator, must be received by the Human Resource Office/Business Manager within five (5) regular business days of the date of the incident giving rise to the complaint, or the employee may not proceed any further within the grievance procedures of Takini School. The five (5) regular business day limitation is counted beginning the day after the alleged incident. The Chief Administrator shall hear the grievance within five (5) business days of receiving notice of grievance and shall issue a written decision to the employee.

In the case of a) an appeal of a contract suspension or termination or b) a formal grievance against the Chief Administrator, a formal grievance must be filed in writing with the Human Resources Office within five (5) business days of the date of the incident. If the grievance is against the Human Resource Officer, the grievance must be filed in writing with the Chief Administrator. The five (5) regular business day limitation is counted beginning the day after the alleged incident. Formal Grievances that are an appeal of a contract suspension or termination, or a formal grievance against the Chief Administrator shall be handled as an appeal. There is no right to grieve a suspension without pay pending investigation of child abuse or neglect .

In the event that the Chief Administrator is filing a grievance he/she shall follow the same procedures outlined for regular employees; however, the reviewing body will be the school board.

1.70.02.03 Mediation

An employee may request a neutral third party to act as a mediator for informal and formal grievances. The mediator shall assist disputing parties and guide them toward their own resolution. The mediator shall not decide the outcome of the mediation, but help the parties understand each other's positions and focus on the important issues needed to reach a resolution. Any agreements reached during the Mediation shall be provided to the Chief Administrator and Human Resource Officer.

1.70.03 Grievance Appeals

1.70.03.01 Applicability

If an employee is dissatisfied with the decision of the Chief Administrator on a Formal Grievance properly filed or the Formal Grievance is an appeal of a contract suspension or

termination, or the Formal Grievance is against the Chief Administrator, the grieving employee may appeal to the School Board.

1.70.03.02 Deadline for Filing

The appeal must be filed with the Human Resources Office within five (5) regular business days of the date of the decision of the Chief Administrator, the date of contract termination, or the date of the incident if the grievance is against the Chief Administrator. If the employee fails to file timely, her/his appeal shall be dismissed.

1.70.03.03 Scheduling of Hearing

A hearing shall be held within thirty (16) regular business days of the date of filing of the appeal by the appealing employee, unless the School Board shows good cause for an extension of time. Continuances may be requested by filing a written request for continuance prior to the date of the scheduled hearing, but it is within the full discretion of the Board to grant or deny a filed request for continuance.

1.70.03.04 Documents

An employee is entitled to request a copy of all documents to be considered by the School Board at a hearing. If the employee files a written request for documents, the school shall provide a copy within twenty-four (24) hours of the filing of the request with the Human Resources Officer.

1.70.03.05 Evidence at Hearing

The School Board shall not hear any new evidence or receive any new documents but must make its decision based upon the record established including all of the files and documents considered by the Chief Administrator, and any documents filed with the written Formal Grievance by the Employee. The grieving employee must argue that the decision of the Chief Administrator was legally or procedurally flawed, and not argue or present new evidence, except in the case of grievances against the Chief Administrator, or contract termination or suspension, in which event the evidence to be considered shall be all evidence filed at the time of the written grievance filing, and testimony related thereto. The Takini School shall be represented by the Takini School attorney. In any case involving the Suspension or Termination of the Contract of the Chief Administrator, the Chief Administrator may present evidence refuting the allegation resulting in suspension or contract termination.

1.70.03.06 Representation of Employee at Hearing

The grieving employee may be represented by a personal representative or an attorney of her/his choosing and expense.

1.70.03.07 Witnesses

The School Board President has the responsibility and authority to make all decisions regarding the appearance of witnesses at hearing, including but not limited when to limit testimony of irrelevant or duplicative evidence or witnesses. The School Board President may take any actions necessary to protect any minor under the age of 18, including denial of any request to require a minor child to appear as a witness. For minor children, an Affidavit may be filed in lieu of appearance as a witness.

1.70.03.08 Decision without Hearing

A grieving employee may request that a decision be made by the School Board on the record below, without an oral hearing.

1.70.03.09 Failure to Appear

If a hearing is requested, and the appellant fails to appear, the appeal shall be dismissed with prejudice.

1.70.03.10 School Board Decision

The School Board may issue an oral decision at the end of the appeal hearing. The School Board must issue a written decision, which shall be provided to the grieving employee within five (5) regular business days after the hearing. The decision of the School Board shall constitute a final decision of Takini School.

1.70.04 Staff Protection

The Department Supervisor and Chief Administrator shall support, protect, and aid any school employee who is threatened with or suffers physical harm or assault by a student, employee, parent, or other person while the employee is acting in the discharge of her/his duties within the scope of the Takini School policies. Support may include counseling and legal protection as necessary to permit the employee to continue in the performance of their job duties. Employees shall file an incident report regarding the conduct of students or other persons and may file a written grievance regarding the conduct of personnel to initiate action by the School.

1.71 PERSONNEL DISCIPLINE

The Department Supervisors understand the value of progressive discipline in which employees are provided with notice of deficiencies and an opportunity to improve. The progressive discipline procedures may be applied to an employee who is experiencing a series of problems involving job performance and/or behavior. The Takini School Board authorizes the Chief Administrator the right to set aside the progressive discipline procedures and immediately go to more serious discipline if the Chief Administrator determines such discipline is warranted.

1.72 SUPERVISOR RESPONSIBILITY FOR ADMINISTRATION OF EMPLOYEE DISCIPLINE

The Immediate Supervisor of an employee is responsible for ensuring that each employee conducts duties and responsibilities in accordance with the personnel policies and procedures of *Takini School*. The immediate supervisor is responsible for administering and enforcing all disciplinary actions in the event that employee conduct and/or performance violates any of the personnel policies and procedures or code of ethics or in the event of the failure of the employee to competently perform their job responsibilities.

1.73 EMPLOYEE CODE OF PROFESSIONAL ETHICS

All teachers and teacher's aides are expected to conduct duties and responsibilities in accordance to the Code of Professional Ethics, which is attached to this Personnel Policies and Procedures Handbook as **Appendix A**. Failure of any teacher or teacher's aide to conduct duties and responsibilities in accordance with the Code of Professional Ethics may result in disciplinary action appropriate to any specific violation of these items, in accordance with disciplinary policies and procedures incorporated into this manual.

1.74 AUTHORITY FOR EMPLOYEE SUSPENSION AND DISMISSAL

An employee's immediate supervisor is responsible for recommending formal disciplinary action for suspension without pay or dismissal of an employee to the Chief Administrator. The Takini School Board has the authority to administer all hiring and terminations for Takini School and it also has the ability to delegate such authority to the Chief Administrator. The School Board has delegated such authority to suspend and terminate school employees to the Chief Administrator.

1.75 EMPLOYEE SUSPENSION AND DISMISSAL PROCEDURES

In the event that an employee's immediate supervisor recommends to the Chief Administrator that an employee under their supervision be suspended or terminated from employment, the supervisor shall be required to review this recommendation with the employee, and document in writing to the Chief Administrator (with a copy to the employee) the time, date, and description of the conduct of the employee that is the basis of the recommendation for suspension and/or termination of employment, previous remedies that have been implemented to improve the performance and/or conduct of the employee, and the recommended action to be taken. The Chief Administrator may approve immediate suspension without pay for a finite period of time or immediate suspension without pay pending a termination decision by the Chief Administrator.

A representative of the Chief Administrator may meet with the employee and their immediate supervisor prior to approval of any action to suspend without pay or recommend the termination of the employee to the Chief Administrator. The Chief Administrator will advise the employee and the employee's immediate supervisor of the action taken, in writing, on the same day that the action is taken, unless the employee is unavailable.

All written communications regarding any employee suspension and dismissal procedures shall be maintained in the employee's personnel file.

1.76 EMPLOYEE SERIOUS MISCONDUCT

The Chief Administrator has the authority to immediately suspend and recommend the termination of an employee of the School for instances of serious misconduct, which is defined as, but not limited to, any act resulting in damage to academic personnel, students, or property, or actions by an employee which impact upon the financial integrity or community reputation of *Takini School*.

1.77 DISCIPLINARY ACTION

Disciplinary action may result from, but is not limited to, the following employee behavior:

1. Failure to competently and consistently perform duties that are the responsibility of the employee;
2. Theft, embezzlement, or willful misuse of school funding, property, or other school resources;
3. Failure to follow established employee grievance procedures;
4. Falsification of records or false reporting of information. This includes falsifying records, reporting false information about an employee, the school, school funding, or students;
5. Destroying school property;
6. Conviction of or pleading guilty to a felony;
7. Absence without leave or failure to report to work for one (1) day without personally contacting his/her supervisor. Absence without leave or failure to report to work for three (3) consecutive days is considered job abandonment and will result in termination. See this Personnel Policy and Procedure Section 1.43;
8. Chronic absenteeism, tardiness, or early departure from work;
9. Use of alcohol or other illegal drugs while on duty, or being under the influence of or having the use of alcohol or other illegal drugs while on duty which affects the safety and quality of services to students;
10. Sale or distribution to or consumption of illegal substances with students or any other person on school property;
11. Sale, distribution, or consumption of alcohol with students who are not legally allowed to consume alcohol because of jurisdiction or age;
12. Concealing, removing, mutilating, obliterating, or destroying any school records or documents without expressed approval by appropriate authorities;
13. Violation of conditions of the employee contract between the employee and *Takini School*, which includes failure to follow established policies and procedures;
14. Lying or misrepresentation by an employee which has a negative impact on the administration of the School or the academic performance of the students;
15. Threatening or causing physical injury to students or personnel of the school;

16. Involvement with students ethically or morally prohibited by professional or community standards;
17. Insubordination;
18. Non-compliance with the Code of Ethics;
19. Possession of firearms, explosives, explosive devices, knives, or other dangerous weapons;
20. Sexual harassment;

Violation of any School policy or any conduct which damages the reputation of the school, or interferes with the operation of the school.

The above listed actions may be classified as serious misconduct if it is felt by the Chief Administrator that the actions were sufficiently egregious.

1.78 PERSONNEL DISCIPLINARY PROCEDURES

The immediate supervisor of the employee may utilize the following procedure, unless violation involves serious misconduct or the school administration determines it is in the school's best interest to circumvent these procedures, if an employee violates a policy:

Step 1:

1. Meet with the employee to discuss the matter.
2. Inform the employee of the nature of the problem and the action necessary to correct it.
3. Written documentation that a verbal reprimand has occurred shall be maintained by the supervisor, and a copy of all documentation shall be filed in the employee's personnel file

Step 2:

1. If the situation does not improve, have another meeting with the employee to discuss the matter.
2. Issue a written reprimand to the employee that shall include the reason(s) for the action, the expected improvement, and a timeline for improvement.
3. The supervisor shall warn the employee that a third incident may result in their termination.
4. A copy of the written reprimand shall be filed in the employee's personnel file.

Step 3:

1. Hold a third meeting with the employee to discuss the matter. The supervisor notifies the employee that a recommendation for termination will be provided to the Chief Administrator. The employee may provide a response, and any other evidence, regarding the personnel action in writing to the Chief Administrator.

2. The supervisor recommends termination of the employee's contract to the Chief Administrator.
3. The supervisor will provide all written documentation, and evidence, concerning the employee to the Chief Administrator.
4. When all documentation is received by the Chief Administrator from the supervisor and employee, the Chief Administrator will determine if additional fact finding is necessary.
5. Upon approval review of all documentation and evidence submitted by the supervisor and employee, the Chief Administrator shall make a termination decision and notify the employee and supervisor.
6. A copy of the termination letter shall be filed in the employee's personnel folder.
7. Written notification shall be made by the Chief Administrator to the employee and will include the reason(s) for the disciplinary action and advise the employee of his/her rights to timely file a grievance under the *Takini School's* grievance procedures.

Three or more written reprimands in an employee's personnel folder may be grounds for immediate termination.

The Employee Assistance Program may be utilized during any step of the disciplinary procedures to correct the problem(s).

Employees who believe they have been disciplined too severely or without good cause may use the grievance procedures for suspension without pay or contract termination. Grievance procedures are not available to staff whose contracts have not been renewed if the grievance is related to the non-renewal, unless there is an allegation of discrimination on the basis of disability or other protected class.

An employee's record will be cleared of disciplinary violations if the employee works a full year without further action being instituted under this policy.

Employee dismissal may be appealed only by full-time employees through the employee grievance procedures.

1.79 EMPLOYEE ASSISTANCE PLAN OPTIONS (EAP)

Depending upon available funding, the Chief Administrator, with the immediate supervisor's approval, may consider alternatives to employee suspension and dismissal based upon an employee's request to complete an approved alcohol or other addiction treatment program, or other employee support program (i.e., counseling) to address an issue that has been identified as contributing directly to the employee's inability to competently perform their work responsibilities, within the following limitations:

1. The employee's reason for consideration of dismissal is not a result of any act that constitutes child abuse;
2. The employee's reason for consideration of dismissal is not a result of any act that resulted in the physical injury of or endangered the safety of students, staff, administrators, or other community members;
3. The employee's reason for consideration of dismissal did not significantly disrupt the operation of the school, the provision of services to students, or severely impair the ability of other school staff to perform their work responsibilities;
4. The employee's reason for consideration of dismissal did not result in a conviction of a felony.

1.80 EMPLOYMENT ASSISTANCE REQUIREMENTS

In addition to the limitations previously described the following requirements and limitations for participation in any Employee Assistance activities are established:

1. The employee must request consideration of this alternative to dismissal in writing to the Takini School Board, through their immediate supervisor, prior to dismissal action being completed;
2. The employee must identify the treatment program or other support assistance that they will complete as an alternative to dismissal, for review by the Takini School Board and the immediate supervisor. The Takini School Board reserves the right to recommend a different type of Employee Assistance Plan requirement as an option for the employee.
3. The employee must complete any Employee Assistance Plan that is approved by the Takini School Board prior to consideration of continued employment. In consideration of continued employment, the Takini School Board reserves the right to require the Employee Assistance Plan service provider to submit in writing an assessment of the employee's completion of the service or treatment program, and recommendations for any aftercare or services that they would recommend. The Takini School Board may require aftercare or services as additional requirements for consideration of continued employment.
4. The Takini School Board shall provide no financial support for any employee who uses the Employee Assistance option for continued employment as an alternative to employee dismissal.
5. The Takini School Board shall allow employees to use any accrued personal and/or sick leave while completing treatment requirements. If no annual and/or sick leave is available, the employee may use LWOP.
6. The Chief Administrator may reinstate an employee who completes all requirements of their Employee Assistance Plan and may also place the employee on probationary status as a requirement for continued employment.
7. The Employee Assistance option to employee dismissal may only be approved once for any employee of the school during their employment.

1.81 SUSPECTED CHILD ABUSE REPORTING PROTOCOL

1.81.01 Mandatory Reporting Requirement

All employees of the School and all School Board members are mandatory reporters under the mandatory reporting requirements of federal law. As mandatory reporters, failure to report suspected child abuse is a federal crime and punishable under federal and tribal law. Any mandatory reporter who fails to immediately report suspected child abuse may be prosecuted and may be subject to a fine of up to \$5,000.00 and imprisonment for up to six (6) months. The law also requires that any person who supervises or has authority over mandatory reporters and inhibits or prevents the mandatory reporter from reporting may be subject to a fine of up to \$5,000.00 and imprisonment for up to six (6) months.

The Child Protection and Family Violence Prevention Act requires that any person identified as a mandatory reporter who knows or has a reasonable suspicion that a child has been abused in Indian Country, must report the information to the local protective services agency or local law enforcement agency. Pub. L. No. 101-630, 104 Stat. 4531 (codified at 25 U.S.C. § 3201-3210; 18 U.S.C. § 1169). Any employee who is a mandatory reporter must also adhere to the established procedures for a Suspected Child Abuse and Neglect (SCAN) report. Further, if the mandated reporter knows or has a reasonable suspicion that actions are being taken, or are going to be taken, that would reasonably be expected to result in the abuse of a child in Indian Country he/she must report the information to the local child protective services agency or local law enforcement agency. 18 U.S.C. § 1169. The Act specifically identifies positions designated as mandated reporters, outlines the penalties for mandated reporters who fail to immediately report such abuse or actions described to proper authorities, and the penalties for supervisors, or those having authority over mandated reporters, who prevent or inhibit a mandated reporter from making the proper reports. 25 U.S.C. § 3203.

The Crime Control Act of 1990 requires that any person who, while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report. Pub. L. No. 101-647, 104 Stat. 4789 (codified in relevant part at 42 U.S.C. § 13031).

1.81.02 Definitions

A. Child abuse is defined as: an act or failure to act which presents an imminent risk of serious harm. Child abuse includes but is not limited to any case in which—

1. a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and
2. such condition is not justifiably explained or may not be the product of an accidental occurrence; and
3. any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution. 25 U.S.C. § 3202(3).

B. Child neglect includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child's welfare, under circumstances

which indicate that the child's health or welfare is harmed or threatened thereby. 25 U.S.C. § 3202(4).

1.81.03 Reporting Protocol

If any school employee suspects child abuse or neglect, it is the employee's responsibility to report to the Principal or Chief Administrator immediately verbally and on the BIE SCAN reporting form. **See Appendix E.**

1. The Principal or Chief Administrator must immediately report the suspected child abuse to Cheyenne River Sioux Tribe Law Enforcement Department (hereinafter "Law Enforcement Department") located in Eagle Butte, SD, in conjunction with the reporting staff member. Law enforcement and the Department of Social Services have a responsibility to investigate suspected child abuse.
2. The reporting employee shall submit the completed BIE SCAN report form to the Chief Administrator for submission to the BIE SCAN Office in Albuquerque, NM.
3. If the allegations of child abuse involve any school employee the referral will follow the same process listed above.
4. The determination of whether an incident constitutes suspected child abuse will be made by Law Enforcement and/or Child Protective Services after the report is provided to them by the Principal or Chief Administrator and the reporting staff member.
5. Any staff member employed by the School that is being referred for investigation of child abuse and/or violent actions towards students and/or staff will be subject to automatic suspension by their immediate supervisor until the completion of the investigation by the agency who received the referral, Law Enforcement, and/or School if the Principal feels the safety of students and staff is threatened by the staff member being referred.
6. If such staff is suspended, pay status will be without pay. The Principal will follow the Personnel Discipline Policy.
7. The Principal will ensure that a copy of the Law Enforcement report and documentation outlining the investigation, and disposition is submitted to the BIE in addition to the SCAN Report.
8. If a formal report is not available, the School shall submit to BIE an email and/or some form of notification from the investigating official or his/her superior within Law Enforcement, pending submission of a formal report to the School.
9. The employee must remain in suspension pending investigation until and unless the case is closed, the BIE issues its recommendation on the case, and a ***Notification of Case Closure*** is issued to the employee. The employee is expected to return to contact with children the same day or the next business day following closure of a case.
10. Nothing in this section prevents or supersedes the ability and responsibility of the supervising Principal, Chief Administrator, and the School Board to take appropriate disciplinary action in the event there has been a violation of School Personnel Policies warranting disciplinary action.
11. Any staff member making a report of suspected child abuse and/or neglect in full-faith shall not be subject to retaliation or disciplinary action.

1.82 SEXUAL HARASSMENT

The School will provide employees and students with a pleasant environment which encourages positive, productive, and safe work. The Takini School Board recognizes that sexual harassment is illegal and unacceptable and will not be tolerated. Any employee or student will be subject to disciplinary action including possible termination of employee or expulsion of student for violation of this policy. The designated employee responsible for Title IX complaints is the Chief Administrator.

1.82.01 Definition

Threatening or insinuating, either explicitly or implicitly, that a student's or employee's refusal to submit to sexual advances will adversely affect their employment, performance appraisal, compensation, advancement, assigned duties, condition of employment, career development, or educational endeavors shall be considered sexual harassment. Other sexually harassing conduct in the school system is prohibited and includes:

1. Unwelcome sexual flirtations, touching, advances, or propositions;
2. Verbal abuse of a sexual nature, jokes or stories that the victim has previously or clearly communicated are unwelcome;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading words to describe an individual; and
5. The display of sexually suggestive objects or pictures, including photographs.

1.82.02 Responsibility

Takini School Board members, employees, and students are responsible for maintaining a working and learning environment free from sexual harassment. In-service training will be provided for employees at the beginning of each school year to explain policy and law.

1.82.03 Procedures

Any employee who believes she or he has been the victim of sexual harassment by another person on the School premises, during school hours, or at school-related activities should report such incident immediately to the Human Resources Officer. If the Human Resources Officer is responsible for the harassment, the employee shall report the harassment to the Chief Administrator. The school cannot take appropriate action if it does not receive notice of allegations of sexual harassment.

If a full-time or part-time permanent employee is disciplined due to sexual harassment, the employee may proceed with the established grievance procedures if he or she is dissatisfied.

False allegations that are malicious or ill-founded may constitute libel or slander. However, individuals who make good faith reports of sexual harassment shall be fully protected by the School.

1.83 CRITICAL INCIDENT POLICY

1.83.01 Purpose and Definition

The critical incident and death reporting policy is for use during and after any critical incident or death.

1.83.02 Definition

Critical Incident and Death means any incident where a student requires immediate medical attention because of a life-threatening injury which could result or does result in death. This includes suicidal ideation, attempted suicide, or suicide completion.

1.83.03 Policy

Immediately after a critical incident or death is discovered, the principal or the principal's designee will complete and fax the Critical Incident and Death Reporting Form, **Appendix F**, to the BIE Education Program Administrator and the Program Specialist (SCAN). Schools will maintain a current list of emergency telephone numbers and the names and addresses of local personnel who may be involved in assisting or resolving the critical incident or death.

In addition to the reporting form, in the event of a student/employee death, schools will provide a grief-counseling plan for students and staff. The plan will include resources such as counselors, grief counselors, school psychologists and any other mental health professionals available to the school. The grief counseling procedures will include the following steps:

1. Determine the level of intervention for students and staff by meeting with school counseling staff.
2. Shield students and staff from media questioning.
3. Designate rooms for private counseling.
4. Follow-up with students and staff who receive private counseling.
5. Document all counseling and intervention activities.

1.84 TELEPHONES

All incoming telephone calls will be answered and directed in a prompt, professional manner to project a positive image of the School and ensure that customers and vendors are treated in a polite, satisfactory manner.

Although the receptionist is primarily responsible for answering the phones, everyone in the office who may be responsible for answering the phone should understand that answering the telephone correctly is a part of their job. They should be proficient in using the system, transferring calls, and taking messages correctly.

Employees should use a professional, considerate phone manner. Employees should treat the caller the way the employee would like to be treated. An employee should also be prompt in answering the telephone. Generally, a phone call should be answered within three (3) rings.

When answering the telephone, or paging employees, an employee should speak clearly, concisely, and professionally. Callers should always be handled in a polite and courteous manner and should not be kept waiting. For example, before putting a caller on hold, the person answering the phone should politely ask the caller if they mind being put on hold. When the employee returns the employee should thank the caller for holding and ask them how the employee may direct their call. No one should wait on hold for more than forty (40) seconds.

All personnel are limited to local and administration-approved long-distance calls. Calls to (900) numbers are prohibited under any circumstances and violation shall be grounds for termination.

1.85 DRUG POLICY

The *Takini School* has a strong commitment to the health, safety, and welfare of its students, employees and their families, and to the community. Statistics establish that the incidence of drug and alcohol abuse is increasing and that the effect is devastating to lives, the educational process, and the community at large. *Takini School* is concerned that due to the potential for abuse among some employees, the safety of our students, employees, and the general public could be endangered. The *Takini School* and *Takini School Board* commitment to maintaining a safe, secure and drug- and alcohol-free workplace requires a clear policy and supportive programs relating to the detection, treatment, and prevention of substance abuse by all employees. These are an effort to provide employee assistance to our employees for the sake of our school and its students.

1.85.01 Policy

It is the policy of the *Takini School* to provide a safe, secure, and drug and alcohol free workplace by implementing a program to detect, treat, and prevent the use and abuse of alcohol and drugs by all employees. The *Takini School* will comply with all federal, state, and tribal regulations to implement this program.

The contents of this policy shall be made available to each covered employee, and shall include, at a minimum, discussion of:

1. Definitions of language used in the manual.
2. The identity of the person designated by the Takini School to answer employee questions about the alcohol and drug-free program.
3. The categories of employees who are subject to the provisions of this policy.
4. Specific information concerning the behavior that is prohibited by this policy.
5. The specific circumstances under which a covered employee will be tested for prohibited alcohol and drugs under the provisions of this policy.
6. The procedures that will be used to test for the presence of alcohol and drugs, protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

7. The requirement that a covered employee submit to alcohol and drug testing administered in accordance with this part.
8. A description of the kind of behavior that constitutes a refusal to take an alcohol or drug test and a statement that such a refusal constitutes a verified positive test result.
9. The consequences for a covered employee who has a verified positive test result or refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety sensitive function and be evaluated by a substance abuse professional.
10. If the Takini School and Takini School Board implements elements of an alcohol and drug-free program that are in addition to this policy, the Takini School Board shall give each covered employee specific information concerning which provisions are mandated by this policy and which are not.
11. The Takini School Board shall provide written notice to every covered employee of the Takini School's alcohol and drug-free policies and procedures.

The Takini School Board shall establish an employee education and training program to be displayed and distributed to every covered employee and shall include informational material and a community service hot-line telephone number for employee assistance, if available.

The education and training program shall be for all covered employees, including:

1. Covered employees shall receive at least 60 minutes of training on the effects and consequences of prohibited alcohol and drug use on personal health, safety, and the work environment, and on the signs and symptoms which may indicate prohibited alcohol and drug use.
2. Supervisors who make reasonable suspicion determinations shall receive prior training on physical, behavioral, and performance indicators for reasonable suspicion and drug use. Training must be completed every two years.
3. The Transportation Manager, bus drivers, and all CDL holders must receive training annually on the physical, behavioral, and performance indicators for reasonable suspicion and drug use.

The following employees, who perform a safety-sensitive function, will be subject to alcohol and drug testing, pursuant to the federal government's Drug Free Workplace Policy:

1. All employees of the *Takini School*.
2. Any part-time, substitute, temporary employee or volunteer of *Takini School* if said employee or volunteer participates in school functions for more than two (2) weeks or supervises students overnight.
3. Any applicant selected for employment at *Takini School*.
4. Casual or occasional drivers, leased and independent drivers, whether leased or directly employed by *Takini School*.
5. All Takini School Board members (annually).

Substances that are prohibited and for which tests will be conducted are marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP). Testing for alcohol will also be conducted.

The *Takini School* shall establish a program which provides for testing for prohibited alcohol and drug use in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, return to duty/follow up and volunteer, as described in detail in the policy.

1.85.02 Definitions

The following definitions apply to the Drug Policy.

Adulterated Specimen means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol's including methyl or isopropyl alcohol.

Alcohol Concentrations means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol & Drug-Free Program means a program to detect and deter the use of prohibited drugs and alcohol as required by this part.

Alcohol Confirmation Test means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater that provides quantitative data about the alcohol concentration.

Alcohol Use means the consumption of any beverage, mixtusitere, or preparation, including any medication, containing alcohol.

Alcohol Screening Test means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Breath Alcohol Technician means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled Test means a test that has been declared invalid by a Medical Review Officer. It is neither a verified positive nor a verified negative test, and includes a specimen rejected for testing by a laboratory.

Collection Container means a container into which the employee urinates to provide the urine sample used for a drug test.

Collection Site means a place designated by the *Takini School* where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Confirmation (or Confirmatory) Test means, in drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical from that of the screening test in order to ensure reliability and accuracy (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine). In alcohol testing, confirmation (or confirmatory) test means a second test, following a screening test with a blood alcohol concentration (BAC) of 0.02 or greater that provides quantitative data of alcohol concentration.

Contractor means a person or organization that provides a service for *Takini School* consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

Disabling Damage means damage which precludes departure of a motor vehicle from the scene of the accident/incident in its usual manner in daylight after simple repairs.

Inclusion means damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusion means damage which can be remedied temporarily at the scene of the accident/incident without special tools or parts, including but not limited to: tire disablement without other damage even if no spare tire is available; headlamp or taillight damage; and damage to turn signals, horn, or windshield wiper that makes them inoperative.

Employee means an individual, including all employees of *Takini School*, substitutes, temporary employees, volunteers, applicants for employment, or transferees. As used in this manual, "employee" includes an applicant for employment. "Employee" and "individual" have the same meaning for purposes of this policy.

Evidential Breath Testing Device (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath, placed on its "Conforming Products List of Evidential Breath Measurement Devices", and identified on it

as conforming to the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Medical Review Officer means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the *Takini School's* drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing (a safety-sensitive function) means an employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prohibited Drug means marijuana, cocaine, opiates, amphetamines, or phencyclidine (PCP).

Refusal to Submit means that an employee fails to provide adequate breath for alcohol testing or a urine sample for drug testing without a valid medical explanation, or refuses to report to the collection site, after he or she has received notice of the requirement to be tested in accordance with the provisions of this part, or engages in conduct that clearly obstructs the testing process. A valid medical explanation must be supported by a statement from a licensed medical physician.

Safety-Sensitive Function means any of the following duties:

1. Operating a vehicle;
2. Operating a vehicle, when required to be operated by a holder of a Commercial Driver's License;
3. Controlling dispatch or movement of a vehicle;
4. Maintaining a vehicle or equipment used in service;
5. Carrying a firearm for security purposes; or
6. Performing a function that potentially impacts the life, health, or safety of another person.

Screening Test (or Initial Test) means, in drug testing, an immune-assay screen to eliminate "negative" urine specimens from further analysis. Screening test (or initial test) means, in alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of

Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Vehicle means a bus, van, or automobile.

Verified Negative (drug test result) means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use.

Verified Positive (drug test result) means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use.

1.85.03 Prohibited Uses

1.85.03.01 On-Duty Use

The *Takini School* shall prohibit an employee from using prohibited alcohol and drugs while performing safety-sensitive functions. A supervisor having actual knowledge that an employee is using prohibited alcohol and drugs while performing safety-sensitive functions shall not permit the employee to perform or continue to perform safety-sensitive functions.

1.85.03.02 Pre-Duty Use

The *Takini School* shall prohibit, whenever the school has actual knowledge, an employee from using prohibited alcohol and drugs prior to performing a safety sensitive function. A supervisor having actual knowledge that an employee has used prohibited alcohol and drugs prior to performing a safety sensitive function shall not permit the employee to perform or continue to perform safety sensitive functions.

The *Takini School* prohibits the use of alcohol and drugs for the specified on-call hours of each employee who is on-call. The procedure shall include:

1. An on-call employee shall have the opportunity to acknowledge the use of alcohol or drugs at the time he or she is called to report to duty and the inability to perform his or her safety sensitive function.
2. If the employee has acknowledged the use of alcohol or drugs, but claims ability to perform his or her safety-sensitive function, s/he shall take an alcohol and/or drug test before performing a safety-sensitive function.

1.85.03.03 Use Following an Accident

No employee required to take an alcohol or drug test following an accident may use alcohol for eight hours following the accident or until the employee has undergone the post-accident test.

1.85.04 Testing Schedule

1.85.04.01 Pre-employment testing

The Takini School Board shall not hire an applicant unless the applicant takes a drug test administered under this policy with a verified negative result. If an applicant is located beyond Cheyenne River Sioux Tribal boundaries, Takini School will approve a testing facility in close proximity to the applicant for the pre-employment testing. The applicant shall authorize the approved testing facility to release and send the test results to Takini School Human Resources Officer.

The Takini School Board shall not transfer an employee into a bus driving position until the employee takes a drug test with a verified negative result administered under this policy.

If an applicant or employee drug test is canceled, the *Takini School* shall require the employee or applicant to take another pre-employment drug test. A refusal to submit to testing, failure to report to a collection site after being notified, or adulteration of urine specimens will be considered a positive result.

The *Takini School* shall be responsible for the drug testing costs contained in this section.

After the Interview Committee recommends an applicant for hire, this initiates the Pre-Employment Testing Policy.

Individuals who test under this section and have a verified positive test result shall not be permitted to retest or reapply for one year from the date of the positive pre-employment test.

1.85.04.02 Probable Cause Testing

Takini School shall conduct testing when a supervisor has probable cause to believe that the employee has used prohibited alcohol or drugs.

The determination that probable cause exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations must be made by a supervisor who is trained in detecting the signs and symptoms of alcohol or drug use.

A refusal to submit to testing, or failure to report to a collection site after being notified, or adulteration of urine specimens will be considered a positive result.

Determinations may only be made during, just preceding, or just after performance of job duties. Such testing should occur as soon as possible; alcohol: within eight (8) hours of the determination; controlled substance: within thirty-two (32) hours of the determination.

The *Takini School* shall be responsible for the alcohol and drug testing costs contained in this section.

1.85.04.03 Post-Accident/Incident Testing

As soon as possible following an accident/incident involving the loss of human life, the *Takini School* shall test each surviving employee operating a vehicle for the *Takini School* at the time of the accident/incident. The *Takini School* shall also test any other employee whose performance could have contributed to the accident/incident, as determined by the *Takini School* using the best information available at the time of the decision.

As soon as practicable following an accident not involving the loss of human life, in which the vehicle involved is a bus, van, or automobile, the *Takini School* shall test each employee operating the vehicle for the school at the time of the accident/incident unless the school determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident/incident.

The *Takini School* shall also test any other employee whose performance could have contributed to the accident/incident, as determined by the school using the best information available at the time of the decision.

Takini School shall test each employee operating the vehicle for the school at the time the driver received a citation for a moving traffic violation arising from the accident/incident.

The *Takini School* shall ensure that an employee required to be tested under this section is tested as soon as practicable but within thirty-two (32) hours to test for prohibited drugs and eight (8) hours for alcohol.

If a required alcohol test is not administered within two (2) hours following the accident/incident, the *Takini School* shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

If a required alcohol test is not administered within eight (8) hours following the accident/incident, the *Takini School* shall cease attempts to administer an alcohol test and shall maintain the same record.

An employee who is subject to post-accident/incident testing who fails to remain readily available for such testing, including notifying an authorized representative of *Takini School* of his or her location if he or she leaves the scene of the accident/incident prior to submission of such test, may be deemed by the *Takini School* to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident/incident or to prohibit an employee from leaving the scene of an accident/incident for the period necessary to obtain assistance in responding to the accident/incident or to obtain necessary emergency medical care.

A refusal to submit to testing, or failure to report to a collection site after being notified, or adulteration of urine specimens will be considered a positive result.

Takini School will be responsible for the alcohol and drug testing costs contained in this section.

1.85.04.05 Random Drug Testing

The Takini School will conduct two random drug tests during a school year. The minimum annual percentage rate for random drug testing shall be 50 percent and 50 percent for alcohol. There shall be a separate random pool for each of the following:

- regular employees
- bus drivers and CDL drivers
- temporary employees, part-time employees, and contractors may be included in random testing

The selection of employees for random testing shall be made by a scientifically valid method. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.

The medical vendor shall randomly select a sufficient number of employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random testing.

The Takini School shall ensure that random tests conducted under this part are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

The Takini School shall require that each employee who is notified of selection for random testing proceeds to the designated collection site by designated appointment time; provided, however, that if the employee is performing a safety-sensitive function at the

time of the notification, the Takini School shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the collection site as soon as possible.

Notification of employees selected for random drug and/or alcohol selection will be made in accordance with the following procedure:

- Random selection list is received by the Human Resources Officer or designated person;
- Notification letters are prepared by the Human Resources Officer or designated person and identifies where to report, date and time of reporting for testing.
- Notification letters are delivered by the Human Resources Officer or designated person.
- Employee verifies that notification was received by signing receipt of deliverance identifying date and time received.
- Upon reporting to the collection site, the employee signs a notification letter verifying that they reported to the collection site.

An employee shall only be randomly tested while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

In the event, an employee is unavailable for testing due to absence, lay-off period (summer), travel on a school sponsored activity or on pre-arranged leave, such test will be completed promptly upon employee's return to work.

A refusal to submit to testing, failure to report to the collection site within fifteen minutes of the scheduled testing time listed on the notice of test, or adulteration of urine specimen will be considered a positive result.

The Takini School shall be responsible for alcohol and drug testing costs contained in this section.

1.85.04.06 Return to duty testing.

The requirements of this section shall apply only to regular *Takini School* employees.

The *Takini School* shall ensure that, before returning to duty to perform a safety-sensitive function, each employee who has refused to submit to a test or who has a verified positive test result:

1. Has been evaluated by a substance abuse professional to determine whether the employee has properly followed the recommendations for action by the substance abuse professional, including participation in any rehabilitation program;
2. Has taken a return to duty test with a verified negative result. If a test is canceled, the *Takini School* shall require the employee to take another return to duty test.
3. Has taken a return to duty breath alcohol test, conducted in accordance with these procedures, with a result indicating a breath alcohol concentration of less than .02, if recommended by a substance abuse professional.

A refusal to submit to testing, failure to report to a collection site after being notified, or adulteration of urine specimens will be considered a positive result.

The employee shall be responsible for alcohol and drug testing costs included in this section.

1.85.04.07 Follow-Up Testing

Pursuant to CRST Ordinance, Takini School Board members shall be tested annually at the annual meeting, upon election and prior to being seated and included in the regular pool. The requirements of this section shall apply only to regular *Takini School* employees and Takini School Board members.

Follow-up testing shall be conducted when the employee is required to submit to an alcohol and/or drug test as a condition of their treatment plan. Follow-up testing shall also be conducted when an employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Following a determination that an employee is in need of assistance in resolving problems associated with drug or alcohol use, the *Takini School* shall ensure that the employee is subject to unannounced follow-up testing as directed by a substance abuse professional in accordance with the provisions of this policy.

A refusal to submit to testing, failure to report to a collection site after being notified, or adulteration of urine specimens will be considered a positive result.

Notification of employee selected for follow-up drug and/or alcohol selection will be made in accordance with the following procedure:

1. Follow-up notice of testing is received by the Human Resource Officer.
2. An employee notification letter is prepared by the Human Resource Officer and identifies where to report and date and time to report for testing.

3. The notification letter is delivered by the Human Resource Officer.
4. Employee verifies that notification was received by signing receipt of delivery identifying date and time received.
5. Upon reporting to the collection site, the employee signs a notification letter verifying that they reported to the collection site.
6. The employee is responsible for alcohol and drug testing costs included in this section.

1.85.04.08 Volunteer Testing

Any employee may voluntarily submit to alcohol or drug testing at any time; however, any volunteer must agree that all testing shall comply with all provisions of this policy that apply after submitting.

The employee shall be responsible for the alcohol and/or drug testing contained in this section.

Testing shall be conducted in a manner to assure adherence to standards of confidentiality, privacy, accuracy, and reliability. The *Takini School* will establish a collection site and utilize an independent laboratory that conforms to all appropriate regulatory guidelines to ensure accuracy of tests.

Persons reporting to the collection site for testing will be informed of the proper procedures for providing a specimen.

1.85.05 Drug Testing Procedures

1. Urine shall be the required substance tested and will be collected under controlled circumstances.
2. Urine shall be collective per the instructions of the testing facility/lab.
3. Specimens are transported or mailed to a previously designated and approved testing lab.
4. Specimens undergo testing by an initial screening procedure which is followed by confirmation by gas chromatography/mass spectrometry (GC/MS) testing, if necessary.
5. The urine is positive for a substance if the substance is present in an amount greater than the screening limits set by the laboratory.
6. A medical review officer will contact the donor if there is a positive result to verify the result.
7. The medical review officer gives the donor the option of testing the remaining split specimen at a lab of their choice and at their own expense.

1.85.06 Alcohol Testing Procedures

1. Breath is tested for alcohol.
2. The test is conducted by the Human Resource Officer.
3. Tests use an approved evidential breath testing device.
4. The initial test must give a BAC result of less than 0.02 or a retest (confirmation) test must be done following a 15-minute wait.
5. If the confirmation reveals a BAC of greater than 0.039, the employee is in violation of the policy.

1.85.07 Requirements for Regular Takini School Employees and Takini School Board Members

The requirements of this section shall apply only to regular *Takini School* employees and Takini School Board members:

1.85.07.01 Action when a Regular Employee or Takini School Board Member has a Verified Positive Test Result

As soon as practicable after receiving notice that an employee has a verified positive test result, or if an employee or Takini School Board member refuses to submit to a test, the *Takini School* shall require that the employee or Takini School Board member cease performing a safety-sensitive function.

The employee shall be placed on leave status for the period of evaluation and rehabilitation. An employee shall not delay participating in an assessment. Such assessments shall take place no later than one week after receiving notice of the positive test result. If an employee does not participate in an assessment within the timeline, there must be a documented, valid reason the employee has not participated in an assessment.

The Takini School Board member shall be suspended from conducting any Takini School Board function.

Before allowing the employee to return to duty and resume performing a safety-sensitive function, the *Takini School* shall ensure that the employee meets the requirements of this policy for returning to duty, including taking a return to duty test with a verified negative result.

Before allowing a Takini School Board member to actively participate in *Takini School* functions, the *Takini School* shall ensure that the Takini School Board member meets the requirements of this policy for returning to active Takini School Board member status, including taking a return-to-duty test with a verified negative result.

The *Takini School* will now have all specimens tested for adulteration. If an employee's specimen is found to have been adulterated it will automatically be considered a positive test. However, an adulteration is considered a pre-meditated action to deceive the employer and therefore will be treated as a more severe violation of this policy than a positive test result. The consequence for adulteration will be immediate termination.

1.85.07.02 Referral, Assessment, and Treatment

An employee or Takini School Board member who has a verified positive test result or refuses to submit to a test under this policy shall be advised by the *Takini School* of the resources available to the employee or Takini School Board member in evaluating and resolving problems associated with prohibited alcohol or drug use, including the names, addresses, and telephone numbers of substances abuse professionals and counseling and treatment programs.

The *Takini School* shall ensure that each employee or Takini School Board member who has a verified positive test result or refuses to take a test shall be evaluated by a substance abuse professional who shall determine whether the employee or Takini School Board member is in need of assistance in resolving problems associated with prohibited alcohol or drug use. The employee shall provide the completed evaluation to the Human Resources Officer.

Assessment and rehabilitation may be provided by the *Takini School*, by a substance abuse professional under contract with the *Takini School*, or by a substance abuse professional not affiliated with the *Takini School*. The choice of substance abuse professional and assignment of costs shall be made in accordance with *Takini School*/employee Takini School Board member agreements and *Takini School* Board policies.

The *Takini School* shall ensure that a substance abuse professional who determines that an employee or Takini School Board member requires assistance in resolving problems with prohibited alcohol or drug use does not refer the employee or Takini School Board member to the substance abuse professional's private practice from which the substance abuse professional receives re-numeration or to a person or organization from which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring an employee for assistance provided through:

1. A public agency, such as a tribal, state, county, or municipal;
2. The *Takini School* or a person under contract to provide treatment for prohibited alcohol or drug use problems on behalf of the *Takini School*.
3. The sole source of therapeutically appropriate treatment under the employee's or Takini School Board member's health insurance program; or

4. The sole source of therapeutically appropriate treatment reasonably accessible to the employee or Takini School Board member.

The *Takini School* shall ensure that, before returning to duty to perform a safety-sensitive function, an employee has complied with the referral and assessment provisions of this policy and takes a return to duty test with a verified negative result.

The *Takini School* shall ensure that, before returning to active Takini School Board member function, a Takini School Board member has complied with the referral and assessment provisions of this policy and takes a return to duty test with a verified negative result.

1.85.07.03 Other Alcohol-Related Conduct

The *Takini School* shall not permit an employee or Takini School Board member tested under the provisions of this policy who is found to have an alcohol concentration of 0.00 to perform or continue to perform safety-sensitive functions, until:

1. The employee's alcohol concentration measures 0.00; or
2. The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

1.85.07.04 Termination

An employee who refuses to participate in a rehabilitation referral, refuses to participate in the recommendations of the substance abuse professional, or fails to successfully complete a required rehabilitation program will be terminated by the *Takini School*.

A Takini School Board member who refuses to participate in a rehabilitation referral, refuses to participate in the recommendations of the substance abuse professional, or fails to successfully complete a required rehabilitation program will result in the Takini School Board member's seat on the *Takini School* Takini School Board being vacant.

An employee who has a second positive test result, after a negative return to duty test, may be terminated by the *Takini School*.

A Takini School Board member's second positive test result, after a negative return to duty test, will result in the Takini School Board member's seat on the Takini School Board being vacant.

An employee who is terminated for violation of this policy will be prohibited from applying to Takini School for one year.

1.85.08 Action When a Temporary, Substitute, or Part-Time Employee Volunteer has a Verified Positive Test Result

As soon as is practicable, after receiving notice that a temporary, substitute, or part-time employee or volunteer has a verified positive test result, or refuses to submit to a test, the *Takini School* shall terminate such individual immediately from any further service to *Takini School*.

The temporary, substitute, or part-time employee or volunteer shall not be permitted to provide services or apply for a full-time position, to the *Takini School* for one year from the date of the verified positive test result.

1.85.09 Substance Abuse Professional

The *Takini School's* alcohol and drug-free program shall have available the services of a designated substance abuse professional (SAP), with the Cheyenne River Sioux Tribe's Wakpa Wastè program, who shall work directly with the *Takini School* EAP.

The substance abuse professional shall determine whether an employee or Takini School Board member who has refused to submit to a test or has a verified positive test result is in need of assistance in resolving problems associated with prohibited alcohol and drug use. The substance abuse professional then recommends a course of action to the employee/Takini School Board member.

The substance abuse professional shall determine whether an employee/Takini School Board member who has refused to submit to a test or has a verified positive test result has properly followed the SAP's recommendation.

The substance abuse professional shall determine the frequency and duration of follow-up testing for an employee or Takini School Board member.

Such employees or Takini School Board members shall be required to take a minimum of six follow-up drug tests with verified negative results during the first twelve (12) months after returning to duty. After that period of time, the substance abuse professional may recommend to the *Takini School* the frequency and duration of follow-up testing, provided that the follow-up testing period ends sixty (60) months after the employee/Takini School Board member returns to duty. In addition, follow-up testing may include testing for alcohol, as directed by the substance abuse professional, to be performed in accordance with this policy.

Any regular employee who has a grievance due to the application of this policy may utilize the grievance policy.

1.85.10 Retention of Records

The *Takini School* shall maintain records of its alcohol-free program in a secure location with controlled access.

In determining compliance with the retention period requirement, each record shall be maintained for three (3) years following the end of employment.

The *Takini School* shall maintain its records in accordance with the appropriate regulatory requirements.

1.85.11 Access to Facilities and Records

Except as required by law, or expressly authorized or required in this section, the *Takini School* may not release information pertaining to an employee that is contained in records required to be maintained.

Any and all documents pertaining to an employee or Takini School Board member's alcohol and/or drug tests are property of *Takini School* and shall not be made available to anyone other than designated employees of *Takini School*.

Any individual may make a written request to be tested for alcohol and drugs upon payment by money order at time of collection.

The *Takini School* shall permit access to all facilities utilized in complying with the requirements of this policy to any agency with regulatory authority over the *Takini School* or any of its employees.

The *Takini School* shall disclose data without identifying names of employees for its drug and alcohol testing program and any other information pertaining to the *Takini School's* drug and alcohol-free program required to be maintained by appropriate regulatory requirements, when requested by any agency with regulatory authority over the *Takini School* or employee. Records shall be made available to a subsequent employer upon receipt of a written request from the employee. Subsequent disclosure by the *Takini School* is permitted only as expressly authorized by the terms of the employee's request.

The *Takini School* may disclose information required to be maintained under this policy pertaining to an employee to the employee or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol test administered under this policy (including, but not limited to, a worker's

compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

The *Takini School* shall release information regarding an employee's record as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

Takini School Alcohol and Drug Testing Program shall collect alcohol and drug specimens on *Takini School* employees and school Takini School Board members and those organizations that have a Memorandum of Agreement with *Takini School* for such services.

1.86 ACADEMIC TESTING PROGRAM

The objective of the academic testing program is to enable school personnel to do a more effective job in planning for and educating the children of *Takini School* and shall be coordinated by the Chief Administrator or his/her designee, taking into consideration cultural norms.

1.87 EVALUATION OF INSTRUCTIONAL PROGRAMS

Professional accountability for student performance and progress is a shared responsibility of teachers, administrators, and the Takini School Board. Individual progress and instructional efforts shall be systematically evaluated on a yearly basis.

The purpose of evaluation of instruction shall be:

1. To indicate instructional strengths and weaknesses,
2. To provide information needed for advance planning,
3. To provide data for public information,
4. To demonstrate relationship between outcomes and school system's stated goals,
5. To check suitability of instructional program in terms of community requirements,
6. To utilize evaluation information to correct weaknesses and build strengths in the system.

This evaluation shall include a needs assessment as required by 25 C.F.R. § 36.12 and 36.50.

The professional staff and Takini School Board shall provide continuous evaluation of the educational program and instructional processes. A final report shall be submitted to the Takini School Board. Any suggested changes would require approval by the Takini School Board.

1.88 TEACHING METHODS

The Takini School Board requires the best teaching strategies be used to bring about learning at the school. Instructional staff shall be aware of innovative instructional methods, ideas, and

practices developed in school systems throughout the nation and apply those which have the potential for improving learning at the school.

1.89 TEACHING CONTROVERSIAL ISSUES

Free inquiry in a democratic society requires controversial issues arising in the classroom be handled as a regular aspect of instruction and learning in such a way as to not inhibit dignity, personality, or intellectual integrity of either the teacher or the student.

Controversial issues provide stimulation to learning by creating intellectual excitement and are thus an important part of the classroom environment. Teachers only serve as a facilitator and shall not discuss their personal preference.

Controversial issues shall be presented in a fair and unbiased manner, and teachers should consult with the Principal when planning to discuss controversial issues with students.

1.90 LESSON PLANS

Teachers shall prepare lesson plans and provide the Principal with a copy of their weekly lesson plans by the end of the day on the Friday preceding each week when they will be implemented. The Principal shall monitor teacher lesson plans to ensure the daily instructional objectives are referenced to the basic curriculum content, objectives, and competency.

1.91 SCHOOL ADVISORY TEAM

The School Advisory Team advises the school administration concerning curriculum, assessment, parental involvement, Support and Improvement Plan development and monitoring, school policy/procedures, and professional development planning. The team will consist of the Chief Administrator, Principal(s), and one Certified teacher and parent representative from the K-2 Tiospaye, 3-5 Tiospaye, 6-8 Tiospaye, and 9-12 Tiospaye. The Native Star will be the Team's reporting to assist structurally to create a turnaround school. This assists with the Support and Improvement Plan in keeping timelines to measure growth and accountability.

1.92 VIDEO SURVEILLANCE

The School Board authorizes the use of video surveillance on Takini property to ensure the health, welfare, and safety of all staff, students, and visitors to Takini School and to safeguard Takini School, grounds, and equipment. The Chief Administrator or designee will approve appropriate locations for video surveillance.

The Chief Administrator will notify staff and students through staff and student handbooks or by other means that video surveillance may occur on Takini property. A notice will be posted at the main entrance of all Takini buildings indicating the use of video surveillance.

Takini may choose to make video recordings a part of a staff member's personnel record. Takini School will comply with all applicable federal laws related to record maintenance and retention.

Permission for staff member viewing of any video recordings must be requested from the Chief Administrator or designee in writing.

Video recording will be totally without sound except on school buses and building front door buzzers where it will be posted that video recordings may include audio.

APPENDIX A: Code of Ethics

From the South Dakota Code of Professional Ethics for Teachers

24:08:03:01 Obligations to Students.

In fulfilling their obligations to the students, educators shall act as follows:

1. Not, without just cause, restrain students from independent action in their pursuit of learning;
2. Not, without just cause, deny to the students access to varying points of view in the classroom;
3. Present subject matter for which they bear responsibility without deliberate suppression or distortion;
4. Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;
5. Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
6. Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background;
7. Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
8. Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
9. Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment;
10. Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.

24:08:03:02 Obligations to the public.

In fulfilling their obligations to the public, educators shall act as follows:

1. Take precautions to distinguish between their personal views and those of the local school district or governing body;
2. Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;
3. Not interfere with a colleague's exercise of political and citizenship rights and responsibilities;
4. Not exploit the local school district or governing body for public or personal gain;
5. Not exploit the local school district or governing body to promote political candidates or partisan political activities;

6. Neither accept nor offer any gratuities, gifts, services, or things of value that impair professional judgment, offer special advantage, or provide personal benefit;
7. Engage in no act that results in a conviction;
8. Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements; and
9. Not misuse or abuse school equipment or property.

24:08:03:03 Obligations to the profession.

In fulfilling their obligations to the profession, educators shall act as follows:

1. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
2. Maintain confidentiality of professional information acquired about colleagues in the course of employment, unless disclosure serves professional purposes;
3. Discuss professional matters concerning colleagues in a professional manner;
4. Accept a position or responsibility only on the basis of professional preparation and legal qualifications;
5. Adhere to the terms of a contract or appointment unless the contract has been altered without the consent of the affected parties, except as provided by law, legally terminated, or legally voided;
6. Use sound professional judgment in delegating professional responsibilities to others;
7. Not interfere with the free participation of colleagues in the affairs of their associations;
8. Not use coercive or threatening means in order to influence professional decisions of colleagues;
9. Not knowingly misrepresent their professional qualifications;
10. Not knowingly distort evaluation of colleagues;
11. Not criticize a colleague before students, except as unavoidably related to an administrative or judicial proceeding;
12. Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;

Perform duties in accordance with local, state, and federal rules and laws.

APPENDIX B: Internet Acceptable Use Policy Agreement

Students, faculty, staff, and administrators at Takini School have access to the Internet. Internet access will help promote educational excellence in schools by facilitating student research, resource sharing, searching, and technology techniques and utilization, and internal and external communication. The internet is an electronic network of computer networks connecting millions of computers and hundreds of millions of people all over the world. The following services are available to our students, faculty, staff, and administrators:

1. Electronic mail (email)
2. World Wide Web Access

Takini School has taken precautions to restrict access to conversational materials. However, it is impossible to control all materials and block materials that may be inappropriate for school use. Takini School believes that valuable information and communications accessible through the Internet far outweighs the possibility that users may come to access inappropriate information. The following guidelines are provided as a framework for proper Internet use in Takini School. Any violation of any of the provisions stated here may cause the Takini School Administration to terminate or restrict the users account and access may be permanently denied.

The signature(s) on this document is (are) legally binding and indicates the party (parties) who signed has (have) read and understood the terms and conditions herein.

Terms and Conditions of Internet and Email Use

1. Privileges: The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of this privilege.
2. Acceptable Use: The use of the Internet privileges must be in support of education and research and consistent with the educational objectives of the Takini School. Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to: copyrighted material; threatening, harassing or obscene email, social media or material; or material protected by trade secrets or other laws.
3. Network Etiquette: You are expected to follow generally accepted rules of Internet etiquette. General rules include (but are not limited) to the following:
 - a. Do not reveal your personal address or phone numbers of students or colleagues.
 - b. Do not give out your password to anyone.
 - c. Use appropriate language. Remember that the Internet is not private and anything you say may be resentful and reposted.
 - d. Do not participate in illegal activities.
 - e. Be polite in all your writing. Remember that words are easily misunderstood.
 - f. Email is not private. System operators and authorities have access to all communications.

- g. Do not forward other emails without their express permission.
 - h. Use your email and web privileges for the benefit of your education and the mission of Takini School only.
4. Takini School makes no direct or implied warranties for any of the services it may provide. Takini School will not be responsible for any damages suffered directly or indirectly by the user. This will include access or lack of access to email, material, or data and/or loss of service or electronic data and communications.
5. Security: Security is of vital importance to Takini School. We will do everything in our power to make sure that the network is secure. Since technology and humans are not perfect, lapses in security may occur; Takini School is in no way responsible for this and shall be held harmless.
6. Vandalism: Vandalism will not be tolerated and is a reason for immediate suspension of privileges.

Printed Name

Signature

Date

APPENDIX C: Organizational Chart

		Cheyenne River Sioux Tribe					
		CRST Tribal Ed Committee					
		Takini School Board					
Superintendent/ Chief Administrator							
K-12 Principal	SPED Director	Business Manager	O & M Supervisor	Transportation Supervisor	Kitchen Supervisor	IT Computer Tech	HR/ NISIS Clerk Registrar
K-12 Teachers	SPED Teacher	Business Office Tech	Maintenance	Bus Drivers	Kitchen Help	Desk Tech	
Gen Ed Para	SPED Para	Accounts Payable	Custodial				
Nurse	SPED Contractors		Security				
Parent Liason							
K-12 Counselor							
TAG Para							
Store Clerk							
Athletic Director							
Assessment Coor.							
BOE Approved May 12, 2025							

Takini School SY 24 - 25 Contractor Organizational Chart						
Motion by Phil Knife to approve the Chain of Command for the School Board Chair and the Superintendent/ Chief Executive Officer to contact Contractors for services. Second by Erik In the Woods. 5 Yes. 0 No. 1 Not Voting. 2 Absent. Motion Carries.						
School Board Chair/ Superintendent/ Chief Administrator						
School Attorney	Donna Denker, CPA	SPED Director Transition	Tammy Lafferty	OT/ PT	SPED Psych	Speech
	Business Office	SPED Director	CA	SPED Director	SPED Director	SPED Director
		K-12 Principal	HR	K-12 Principal	K-12 Principal	K-12 Principal
BOE Approved May 12, 2025						

APPENDIX D: SCAN Reporting Checklist and Form

For use by School Administrators

Bureau of Indian Education

SCAN/Employee Incident Reporting Checklist (2024-2025)

Employee as the Alleged Offender

Child's Name:		Date of Report:	
School:		Date of Incident:	(if known)

A. Tracking of Notification:

SCAN Report

Employee

Incident Report (no physical contact)

- | | |
|--|---|
| <input type="checkbox"/> Local LE notified within 1 hour; report faxed same day | <input type="checkbox"/> BIE Program Specialist notified; report faxed same day |
| <input type="checkbox"/> Local CPS notified within 1 hour; report faxed same day | |
| <input type="checkbox"/> BIE Program Specialist notified; report faxed same day | |

B. Employee/Alleged Offender Information

Name:	
Position Title:	

- Reporting Form** (SCAN or EIR)
- Notification to Alleged Offender (NAO) memo** – signed & dated by employee **and** Principal/Administrator or designee, same day report is filed. **Check one:**

<input type="checkbox"/> Re-assignment:		<input type="checkbox"/> Administrative Leave
	(Specify location)	

- Employee written statement**, signed & dated by employee
- Additional written statements** (where applicable), signed & dated
 - Victim**
 - Witness(es)**
- Notification of Case Closure to Alleged Offender (NCC) memo** – signed & dated by employee **and** Principal/Administrator or designee, same day

C. Case Closure



Date Original file/record submitted to BIE Office:	
Sent by:	(your name)

ADMINISTRATIVELY RESTRICTED

Suspected Child Abuse/Neglect Report (SCAN)

Effective 7/1/23

	Report Date:		Report Time:	
SCHOOL INFORMATION (Required)				
1. Reporting School:		2. School Principal/Administrator or Designee:		
3. School Phone Number:		4. School Principal/Administrator Phone Extension or Cell Phone Number:		
()				

PERSONAL INFORMATION OF VICTIM (Required)				
5. Last Name:		First Name:		Middle Name:
7. SSN:		8. DOB:	9. Age:	10. Grade:
				11. Sex:
12. Check Suspected Abuse:				
<input type="checkbox"/> Physical Abuse <input type="checkbox"/> Emotional Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect (Basic needs—food, clothing, shelter) <input type="checkbox"/> Neglect (Medical) <input type="checkbox"/> Neglect (Educational)				
13. Describe the specific incident (do not leave blank):				
14. Name of Parent(s) , Guardian, Custodian (Required):				15. Relation to Victim:
16. Contact Telephone Number of Parents, Guardian, or Custodian:				
() -				
17. Complete Mailing Address (Required):		18. Physical Location of Residence (Required):		
		(attach map, if applicable)		

ALLEGED OFFENDER INFORMATION (Required):

19. Full Name of Alleged Offender (If a minor/peer, then indicate age or grade in box 20):		20. Alleged Offender's Position/Status (Required)	
		<input type="checkbox"/> BIE Employee <input type="checkbox"/> BIE Contractor/Consultant <input type="checkbox"/> Volunteer * <input type="checkbox"/> Relative (specify): _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Student ** (age or grade) _____	
21. If Employee, Position Title:		** Refer to school/agency policies and procedures for any alleged offenders under the age of 19 or classified as a student.	
22. If Employee, Contact Information for Alleged Offender:			
Cell phone number:	Physical Location of Employee:		
() -			
23. Location of alleged incident:		24. Date of alleged incident:	
		25. Time of alleged incident:	
26. Full Names and telephone numbers of potential witness(es):			

ADMINISTRATIVELY RESTRICTED

MANDATORY REPORT INFORMATION (Required):			
27. Full Name and Title of Mandatory Reporter Reporting Above Incident:		28. Signature (Required) :	Date:
29. Full Name of School Principal/Administrator or Designee:		30. Signature (Required) :	Date:
31. Has Mandatory Reporter Requested Protection of their Identity? <input type="checkbox"/> NO <input type="checkbox"/> YES		32. Initials of Mandatory Reporter:	

INFORMATION REGARDING THE INCIDENT
<i>(Please type or print clearly the following information.)</i>
33. Describe how you became aware of the incident:

CONFIDENTIALITY AGREEMENT

To be read and signed by Mandated Reporter

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee's duties.

By signing this agreement, I understand that:

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Suspected Child Abuse and/or Neglect Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

Signature of Mandated Reporter (Required)	Position/Title	Date
--	----------------	------

Witnessed by:

Signature of School Principal/Administrator or Designee (Required)	Date
---	------

ADMINISTRATIVELY RESTRICTED
Tracking of Notifications
Completed in its entirety

Effective 7/1/23

Note: Contact to Law Enforcement and Child Protective Services should be made immediately.
 All contact is to be made verbally and followed-up in writing by faxing pages 1-4 of the SCAN Report.
 Contact does not have to be made to all agencies identified under law enforcement or social services/child protective services, only those required for your school.

LAW ENFORCEMENT NOTIFICATION Only indicate actual law enforcement agency contacted (Required) :				
DATE & TIME OF REPORT	AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER		DATE & TIME OF REPORT
Verbal Contact (Required)				Written Contact (Required)
(date) (time)	Tribal:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)
(date) (time)	BIA Law Enforcement:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)
(date) (time)	Local/State/Other:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)
IF APPLICABLE, indicate the Law Enforcement Report/Case Number: _____				

SOCIAL SERVICES/CHILD PROTECTIVE SERVICES NOTIFICATION Only indicate actual agency contacted (Required) :				
DATE & TIME OF REPORT	AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER		DATE & TIME OF REPORT
Verbal Contact (Required)				Written Contact (Required)
(date) (time)	Tribal:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)
(date) (time)	Local:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)
(date) (time)	State:		<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Hand-delivered	(date) (time)

BIE NOTIFICATION (Required) :				
	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT		
		Verbal Contact (Required)	Written Contact (Required)	
BIE SCAN Program	Fellina Johnson Phone: (505) 563-5229 Scan & Email Reports to: fellina.johnson@bie.edu michelle.begay@bie.edu	(date) (time)	(date) (time)	

ADMINISTRATIVELY RESTRICTED

SCAN TRACKING NOTES

Please do NOT attach fax transmission/confirmation sheets

Completed by: Name, Title

INFORMATION ON PERSON MAKING NOTIFICATIONS (Required):

Full Name and Title of Individual completing this page:

Date:

Name, Title (e-mail address)

APPENDIX E: Critical Incident and Death Reporting Form

CRITICAL INCIDENT AND DEATH REPORTING FORM

The purpose of this form is to report a critical incident or death occurring at a school. This form is to be completed immediately and **faxed** to the the respective Associate Deputy Director, or his/her designee; the Program Specialist (SCAN), and the CRST Education Agency Officer will be verbally notified.

School Name _____ Date: _____

Student Name: _____ Age: _____ Grade _____

Tribe: _____

Location of Incident: ___ school ___ dormitory ___ other (specify _____)

Description of Incident – What happened? Who was involved? (Attach additional sheets as needed)

Indicate persons that were notified of the incident (if applicable)

_____ Parent/Guardian _____ Date/Time _____

_____ Law Enforcement _____ Date/Time _____

_____ Hospital/EMT _____ Date/Time _____

_____ Education Agency Officer Verbal notification _____

Date/Time _____

Certification:

I certify that the information contained in this report is true and correct to the best of my knowledge.

Signature Date Telephone number

APPENDIX F: Employment Positions Advertisement Timeline

Renewal Timeline		Non-Renewal Timeline		
January	Chief Administrator	January	Chief Administrator	Advertise in January with selection in February
January	K-12 Principal Business Manager Transportation Supervisor Kitchen Supervisor Nurse HR/ NASIS Nurse Athletic Director	January	K-12 Principal Business Manager Transportation Supervisor Kitchen Supervisor Nurse HR/ NASIS Nurse Athletic Director	Advertise in January with selection in February
LETTERS OF INTENT		LETTERS OF Non-renewal		
February	Teachers	February	Teachers	Advertise in February with selection in March
March	SPED Para Bus Drivers Registrar Maintenance Custodial Kitchen Security	March	SPED Para Bus Drivers Registrar Maintenance Custodial Kitchen Security	Advertise in March with selection in April

Takini School SY 25 - 26 Organizational Chart							
Cheyenne River Sioux Tribe							
CRST Tribal Ed Committee							
Takini School Board							
Superintendent/ Chief Administrator							
K-12 Principal	SPED Director	Business Manager	O & M Supervisor	Transportation Supervisor	Kitchen Supervisor	IT Computer Tech	HR/ NISIS Clerk Registrar
K-12 Teachers	SPED Teacher	Business Office Tech	Maintenance	Bus Drivers	Kitchen Help	Desk Tech	
Gen Ed Para	SPED Para	Accounts Payable	Custodial				
Nurse	SPED Contractors		Security				
Parent Liason							
K-12 Counselor							
TAG Para							
Store Clerk							
Athletic Director							
Assessment Coor.							
BOE Approved May 12, 2025							

APPENDIX H: Reasonable Accommodation Request Form

Section 1: Applicant's or Employee's Information		*required fields
<p>NOTES: Additional information (including medical documentation) reasonably needed to process the accommodation request may be sought during the interactive process. Medical or health care provider documentation should only be filed with the School Human Resources Officer.</p> <p>INSTRUCTIONS: Employees and applicants may choose to use this form voluntarily but are not required to do so. Applicant requests must be sent to the School Human Resources Officer.</p>		
1. First Name:*	2. Last Name:*	
3. Telephone:*	4. E-mail Address:*	
5. Today's Date:*	6. Date of Request:*	
Section 2: Reasonable Accommodation Information		*required fields
<p>7. Please explain the accommodation being requested below. Be as specific as possible (for example, type of equipment needed or for change in work schedule what the specific change is)</p>		
<p>8. Please explain how the accommodation requested will enable you to perform essential job functions and why it is needed.</p>		
<p>9. If the reasonable accommodation is time-sensitive, please explain why below.</p>		

Received by : _____ Date: _____ Signature: _____

Request ___ Granted ___ Denied on: _____ Date: _____

Decision Letter sent on Date: _____

By: _____ Signature: _____