Westwind School for Performing Arts

Personnel Policy

2026-2027

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5.1 Definitions

WSPA—"WSPA", as used in this policy manual, shall refer to the Westwind School for Performing Arts, a Public Charter School.

WSPA Board—"WSPA Board", as used in this policy manual, shall refer to the governing body of the Westwind School for Performing Arts, a Public Charter School as defined in the Bylaws of WSPA.

Agency – "Agency", as used in the policy shall mean Westwind School for Performing Arts, a Public Charter School which is a local education agency. Local education agency may be referred to as "LEA".

Employee(s)— "Employee(s)", as used in this policy manual, shall mean collectively all persons receiving pay from WSPA for services rendered, including both exempt and nonexempt employees, staff, teachers, aides, and administrators. Independent contractors with long term service contracts are Employees. "Employee" does not refer to short or limited service as an independent contractor with WSPA, nor does it refer to substitute teachers. Members of the WSPA Board are not "Employee(s)".

Administrator— "Administrator", as used in this policy manual, shall refer to those persons operating as Direct Reports charged with making material decisions for WSPA. "Administrator" includes the principal, executive director, chief operating officer, assistant principal, assistant director, and/or any other individual designated as an "Administrator" by the Executive Director of WSPA. Members of the WSPA Board are not "Administrators".

Administration—"Administration", as used in this policy manual, shall refers to the body of persons identified as being an Administrator.

Teacher— "Teacher", as used in this policy manual, shall mean classroom teachers. Teachers' aides are not included in the definition of Teacher.

Staff— "Staff," as used in this policy manual, shall mean all Employees other than Teachers and Administrators.

Direct Report—"Direct Report", as used in this policy manual, shall refer to the Employee that is above another Employee in the organizational hierarchy of WSPA and to whom said Employee reports. If a conflict exists between the Employee and the Direct Report, the Employee shall consider the Employee on the next immediate level of the organizational hierarchy of WSPA as his/her "Direct Report". A conflict exists when the substance of a complaint or grievance includes the Direct Report.

Evaluator – "Evaluator", as used in this policy manual, shall mean a person licensed by the Arkansas State Board of Education as an administrator who is designated as the person responsible for evaluating teachers or building- or district-level leaders, and who is an Employee of WSPA. It shall include WSPA administrators who are designated by WSPA as evaluators, even if said administrator does not hold an administrator's license from the Arkansas State Board of Education.

5.2 Acceptable Use / Internet Safety Policy and Agreement

Introduction

WSPA provides its Employees with technology resources and a local area network with access to the Internet. The purpose of these technologies is to: a) enhance the programs and services provided by WSPA, b) conduct WSPA business, c) support WSPA projects, and d) ensure that are equipped with the necessary tools for communication, research, collaboration, and other tasks required to fulfill job obligations. Each Employee is expected to use accounts and resources for these purposes.

- Currently, each WSPA Employee has been provided adequate resources for Internet connectivity. The Employee relies on this connectivity in order to adequately perform his/her job duties and responsibilities.

- WSPA provides approximately 12 Employees access to a networked computer. This represents 100 % of the Employees in the agency.

- All WSPA Employees must carefully review and adhere to these Internet Acceptable Use Guidelines.

Appropriate Use of Technology

Technology as a required resource and privilege
Appropriate uses of technology include:

- Accessing the Internet for work related research and information gathering;

- Utility and applications software that accomplish tasks and fulfill job functions;

- Communication and collaboration between Employee and/or other appropriate entities

- Access to the Internet for up-to-date information published by WSPA, other state agencies, and various other providers of information that may be necessary in order to complete job tasks;

- Activities or projects that support professional activities of Employees (i.e., electronic calendars, electronic scheduling of meetings, electronic prioritizing of tasks, using project management software, keeping electronic address books, and completion of work-related forms electronically).

Privacy of Information

WSPA reserves the right to monitor and/or log all network activity with or without notice, including e-mail and all web site communications, and therefore, users should have no expectation of privacy in the use of these resources.

- The Agency will not monitor e-mail transmissions on a regular basis, though the construction, repair, operations and maintenance of electronic messaging systems may occasionally result in monitoring random transmitted or stored messages.

- Messages may be monitored during the course of investigations of illegal activity.

- The Agency will not provide third parties with access to stored electronic messages without the written consent of the sender and recipient except in special circumstances, such as investigating illegal activity or misuse of the system, or resolving a technical problem.

Governor's Policy Directive

Governor's Policy Directive GPD-5, 1997 clearly states that... "Use of any and all State-owned equipment and supplies shall be restricted to official state use only. Unauthorized or personal use of equipment or supplies may be grounds for dismissal."

User Restrictions

WSPA Employees will not excessively use the Agency network, computer systems, and servers including access to the use of the Internet and other information resources during regular office hours for non-Agency business. Limited personal use of these resources is allowed during breaks and lunch time, or to address critical personal matters. Employees may not store WSPA passwords, log-ins, or other sensitive materials in private email accounts, on paper lists, or in any other location that may cause or allow access by any unauthorized party to a school or classroom owned website. Employees are also prohibited from storing sensitive, FERPA-protected, or other restricted school information within personal email accounts or saving the same to personal devices.

Only games that are part of the workstation's operating system will be permitted to be used during normal break times and only without sound features activated.

Unacceptable Uses

The following general uses are prohibited:

- Interference with the security or operation of the computer systems;

- Vandalizing equipment, software, or hardware;

- Attempting to alter or gain access to unauthorized files or systems;

- Using technology in a way that interferes with work obligations;

- Violating the rights of others by publishing or displaying any information that is defamatory, obscene, known to be inaccurate or false, profane, or threatening.

- It is unacceptable for a user to use, submit, publish, display, or transmit on the network or on any computer system any information which:

- Violates or infringes on the rights of any other person, including the right to privacy

- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;

- Inhibits other users from using the system or the efficiency of the computer systems;

- Encourages the use of controlled substances or uses the system for the purpose of criminal intent;

- Uses the system for any other illegal purpose;

- Using the internet for personal purposes not related to instruction;

- Accessing inappropriate or pornographic images;

- Using the login or password information of any other person without prior approval;

- Violations of WSPA network security, including the protection or distribution of confidential information, logins, or passwords; hacking and other intrusions; and the intentional introduction of viruses or malware;

- Using the WSPA's resources for personal profit or gain;

- Unauthorized uses of the WSPA's logo, name, or other WSPA-owned information;

- Violations of student and personnel privacy, including violations of FERPA;

- Violations of copyright law;

- Refusal to comply with additional WSPA technology directives or procedures, as may be added by the executive director or technology staff.

It is also **unacceptable** for a user to use the facilities and capabilities of the system to:

- Knowingly transmit material, information, or software in violation of any local, state or federal law;

- Conduct any non-governmental-related fund raising or public relations activities;

- Engage in any activity for personal financial gain, such as buying or selling of commodities or services with a profit motive;

- View, download or send pornographic or other obscene materials;

- Visit and/or participate in chat rooms not designed for professional interactions specifically related to one's job;

- Endanger productivity of WSPA.

Electronic Mail (E-Mail)

E-mail is considered network activity and as such is subject to all policies regarding acceptable/unacceptable uses of the Internet. The user should not consider e-mail to be either private or secure.

Purpose of E-mail

Electronic mail is provided to support open communication and the exchange of information between Employee and other authorized users that have access to a network. This communication allows for the collaboration of ideas and the sharing of information. E-mail is a necessary component of teamwork at WSPA.

E-mail Guidelines

Each WSPA Employee is given an E-mail account. It is the responsibility of the Employee to use his/her account in accordance with established guidelines and in such a way that does not interfere with his/her duties.

- Any activity covered by inappropriate use statements included in this policy;
- Sending / forwarding chain letters, virus, hoaxes, etc.;
- Sending, forwarding or opening executable files (.exe) or other attachments unrelated to specific work activities, as these frequently contain viruses;
- Use of abusive or profane language in messages;
- Submitting any large, unnecessary mail attachments;
- Use that reflects non-professional image of WSPA.

E-mail Storage

Employees should move important information from E-mail message files to shared folders and drives to ensure proper backup. Messages no longer needed must be periodically purged from personal storage areas.

Internet

The Internet provides a wealth of information useful for educational purposes. With Internet access an Employee can utilize the many research and resource tools available online. These tools can aid in preparing reports or projects required by the Agency.

Internet Access Guidelines

When online, Employees should abide by conventional etiquette guidelines developed for the Internet ('netiquette').

Appropriate Use of Web Access

Employees are responsible for making sure they use this access correctly and wisely. Employees should not allow Internet use to interfere with his/her job duties.

Acceptable uses include:

- Access to and distribution of information that is in direct support of the business of WSPA.
- Providing and simplifying communications with other state agencies, school districts and citizens of Arkansas;
- Communication of information related to professional development or to remain current on topics of general WSPA interest;
- Announcement of new laws, rules, or regulations;
- Encouraging collaborative projects and sharing of resources.

Inappropriate uses of web access include, but are not limited to:

- Viewing, downloading or sending pornographic or other obscene materials;
- "Surfing" the Web for inordinate amounts of time;
- Otherwise endangering productivity of WSPA.
- Purposes which violates a Federal or Arkansas law;
- Dissemination or printing copyrighted materials (including articles and software) in violation of copyright laws.

Appropriate Network Use and User Accounts Guidelines

Use of the state's Internet connection and E-mail resources is a privilege and it is expected that all Employees abide by acceptable user guidelines. Appropriate network and user account guidelines include:

- Employees will only access those computer accounts which have been authorized for his/her use and must identify computing work with his/her own names or other approved IDs so that responsibility for the work can be determined and users can be contacted in unusual situations.
- Employees will use accounts for authorized purposes. This policy shall not prevent informal communication, but accounts will not be used for private consulting or personal gain

- Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Staff should not expect files and documents to always remain private.

- Users are encouraged to maximize the use of the technologies covered under this user policy to reduce the cost of postage, letters, reports, etc.

Copyright Guidelines
Purpose of Software Availability

WSPA provides utility and application software that enhances the efficiency and productivity of its Employees. Employees must honor copyright laws regarding protected commercial software used at the Agency.

Compliance with Copyright Laws

- Copyright laws do not allow a person to store copies of a program on multiple machines, distribute copies to others via disks or Internet, or to alter the content of the software, unless permission has been granted under the license agreement

- Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law.

- Unauthorized use of copyrighted materials or another person's original writing is considered copyright infringement.

- Any user that copies and distributes software in any form for any purpose should do so only on the authority of the user's immediate Direct Report.

- Each user is responsible for observing all local, state, federal laws, especially in regard to copyright laws. The Agency will not be responsible for the cost of any legal action taken against any user that violates such laws regardless of the situation or the intent or the purpose of the user.

- All Employees that use software owned by WSPA or the State must abide by the limitations included in the copyright and license agreements entered into with software providers.

Enforcement and Penalties

WSPA staff is responsible for complying with this policy. Penalties for non-compliance include, but are not limited to:

- Suspension or usage restrictions of Internet service and email/messaging services.

- Internal disciplinary measures, including discharge.

- Initiation of criminal or civil action, if appropriate.

LEGAL REFERENCE: *A.C.A. § 6-21-111, A.C.A. § 6-21-107*

DATED ADOPTED: 01/14/2022

5.3 At-Will Employment

All Employees—classified, certified, and/or administrative—are employed at will. Specifically, Employees are subject to neither the Teacher Fair Dismissal Act nor the Public Employee Fair Hearing Act.

The at-will employment relationship allows either party to end employment at any time, for any reason. At-will employees are free to resign at any time, or may be terminated at any time for any non-discriminatory reason. Employees may not be dismissed for his/her race, sex, gender, religion, age, disability, or nationality. Although certain aspects of the employment relationship have been reduced to writing, including but not limited to salary, days of work, and duties, this writing does not cause or create a contractual relationship between WSPA and the Employee. All existing employment agreements between WSPA and the Employee shall expire as of the ending date listed therein, and are not subject to automatic renewal. Compensation will cease upon the date of termination or resignation of an Employee as formally approved by the Executive Director.

In order to ensure the continuity of quality education, the Executive Director shall strive to avoid mid-school year terminations, except as warranted by the circumstances. It is desired and recommended that Employees end the employment relationship at the end of the school year, should he or she choose to seek employment elsewhere. At the discretion of the Executive Director, Employees who resign with less than two weeks' notice to his/her Direct Report may have a note placed in his/her personnel file noting the shortness of his/her notice to WSPA.

LEGAL REFERENCE:
Waiver from Ark. Code Ann. §6-17-1501 et seq.,
Waiver from Ark. Code Ann. §6-17-1701 et seq., Black's Law Dictionary, At-Will,
Title VI of the Civil Rights Act of 1964, and Title VII of the Civil Rights Act of 1964

DATE ADOPTED: 01/14/2022

5.4 Break Time for Nursing Mothers

Following a maternity leave, any nursing Employee shall notify the principal if she requires breaks during the day to express milk. The Direct Report shall work with Employees to cover breaks for nursing mothers to ensure any nursing Employee receives a reasonable number of breaks as needed throughout the day. Each break shall be of a reasonable length of time and shall be in a fully private space with a door that may be locked by the Employee to prevent accidental intrusion. Under no circumstances shall any Employee be asked to use a bathroom for purposes of expressing or nursing. A nursing Employee will endeavor to cooperate with the Direct Report and Employee to ensure the smooth flow of the workday by helping to create a schedule for these breaks to the best of her ability. Nothing shall prevent a nursing Employee from using her other break times to express milk, if needed, but no Employee shall be required to use her planning time to express.

LEGAL REFERENCE:
A.C.A. § 11-5-116,
§4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148,
29 U.S.C. §207(r)

DATE ADOPTED: 01/14/2022

5.5 Computer Privacy

WSPA owns and provides access to computers and the internet for work and instructional purposes. Employees are notified they have no expectation of privacy in any aspect of his/her school computer or school internet use, including school email. WSPA may, at its option, monitor school internet and computer use to ensure safety and compliance with school policy. Violations of ethics, law, or policy will result in action by WSPA which may include the filing of an ethics complaint with the Professional Licensure Standards Board, criminal sanctions, and/or discipline, up to and including termination.

Employees are notified that electronic documents, email and other records maintained by WSPA may be subject to disclosure under the Arkansas Freedom of Information Act.

LEGAL REFERENCE:
A.C.A. § 6-21-111,
A.C.A. § 6-21-107,
20 USC 6801 et seq. (Children's Internet Protection Act; PL 106-554)

DATE ADOPTED: 01/14/2022

5.6 Duty Free Lunch and Breaks for Unlicensed Employees

WSPA shall provide a thirty (30) minute uninterrupted duty-free lunch period during each student instructional day for each full-time non-exempt classified employee except in an emergency. Full time classified employees are those who work at least thirty-five hours per week. An emergency is any time when the health and safety of a child is immediately at risk.

An Employee who receives a lunch under this policy is not entitled to two paid fifteen-minute breaks. An Employee who does not receive a duty-free lunch as set forth in this policy shall be compensated at his/her hourly rate of pay for each lunch period missed. Employees who have not received a full uninterrupted duty-free lunch under this policy are responsible for promptly reporting to his/her Direct Report in writing the need for compensation during the pay period for which compensation is due.

LEGAL REFERENCE:
A.C.A. § 6-17-6-17-2205,
A.C.A. § 6-17-2207,
29 U.S.C. §201

DATE ADOPTED: 01/14/2022

5.7 Employee Benefits

Employee benefits are listed below:

Arkansas Teacher Retirement: WPSA contributes to the Arkansas Teacher Retirement for eligible Employees is 14%. Eligibility is determined by the Arkansas Teacher Retirement System.

Health insurance and supplemental insurance is offered to all Employees who work 30 or more hours per week each school year.

Health Insurance: APCS' contribution to Employee insurance premiums is the State required minimum amount. An Employee may pay to add his/her spouse, children, or family at group rates.

Detailed descriptions of insurance coverage, prices, and eligibility requirements can be found at the AR Benefits website: http://portal.arbenefits.org/Pages/default.aspx.

The insurance plan year is from January 1st through December 31st.

Supplemental Insurance Benefits: At his/her own expense, eligible Employees may enroll in supplemental insurance programs for Dental, Vision, Disability, Group Life, and Accidental Death and Dismemberment.

LEGAL REFERENCE:
A.C.A. § 6-17-1111 through 1117,

DATE ADOPTED: 01/14/2022

5.8 Fair Labor Standards Act

The Executive Director should annually seek legal counsel before submitting a statement of Fair Labor Standards Act (FLSA) compliance to the Arkansas Department of Education.

Exempt Employees

Exempt Employees are tasked with accurately and honestly recording his/her days of work. Employees are responsible for checking his/her paystub each pay period for accuracy. Errors in pay should be reported immediately to the Executive Director in writing. If the Executive Director finds that an error has resulted in incorrect pay amounts, the error will be corrected on or before the next pay period after the date the executive director receives the written complaint.

Nonexempt Employees

Nonexempt Employees are tasked with accurately and honestly recording his/her hours of work. Employees must be paid for all time worked, including time which results from shortening a lunch period or staying later than the end of work hours. Nonexempt Employees are not authorized to work more than 40 hours in a given week unless they obtain prior written approval from the Executive Director or his/her designee, owing to the need for WSPA to pay overtime pay in such circumstances.

Employees are responsible for checking his/her paystub each pay period for accuracy. Errors in pay should be reported immediately to the Executive Director in writing. If it is found that an error has resulted in incorrect pay amounts, the error will be corrected on or before the next pay period after the date the human resources department receives the written complaint. Employees who have a Fair Labor Standards Act concern with regard to his/her compensation should alert the Executive Director immediately so that the matter may be promptly reviewed and appropriately handled.

LEGAL REFERENCE:
A.C.A. § 6-17-2205,
29 U.S.C. 201 et seq.,
29 U.S.C. 206

DATE ADOPTED: 01/14/2022

5.9 Family and Medical Leave Act (FMLA) and Maternity Leave

The Executive Director shall annually ensure that the official Family and Medical Leave Act (FMLA) notice is posted in a location that is readily accessible to all Employees. A copy of the notice and this policy shall be provided to Employees upon request.

Family and Medical Leave Act (FMLA)

Employees are eligible for leave under the Family and Medical Leave Act (FMLA) if they have been employed by WSPA for at least twelve (12) months and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) months.

Employees who anticipate the need for FMLA leave shall notify the Principal or Executive Director as soon as practicable. When the need for leave is foreseeable, Employees shall provide at least thirty (30) days' advance notice whenever possible. If thirty (30) days' notice is not practicable, notice shall be provided as soon as practicable under the circumstances.

Within five (5) business days after receiving sufficient information to determine whether leave may qualify under the FMLA, WSPA shall notify the Employee of his or her eligibility and rights under the Act. WSPA may require medical certification or other documentation permitted under applicable law to determine whether the requested leave qualifies for FMLA protection. Employees shall provide requested certification within fifteen (15) calendar days unless circumstances beyond the Employee's control prevent timely submission.

When approved, FMLA leave shall run concurrently with any applicable paid leave available to the Employee, including accrued sick leave, personal leave, vacation leave, or paid maternity leave, to the fullest extent permitted by law.

Eligible Employees are entitled to:

Twelve (12) workweeks of leave during a twelve-month period for:

- the birth of a child and to care for the newborn child within one (1) year of birth;
- the placement of a child with the Employee for adoption or foster care and to care for the newly placed child within one (1) year of placement;
- to care for the Employee's spouse, child, or parent who has a serious health condition;
- the Employee's own serious health condition that renders the Employee unable to perform the essential functions of his or her position; or
- any qualifying exigency arising out of the fact that the Employee's spouse, child, or parent is a covered military member on covered active duty or has been notified of an impending call to covered active duty.

Twenty-six (26) workweeks of leave during a single twelve-month period to care for a covered servicemember with a serious injury or illness if the Employee is the servicemember's spouse, child, parent, or next of kin.

WSPA utilizes the **forward-looking twelve-month method** for calculating FMLA leave. The twelve-month period begins on the first day FMLA leave is taken. Once the twelve-month period expires, the Employee again becomes eligible for a new twelve-week FMLA entitlement, provided all eligibility requirements continue to be met.

Arkansas Paid Maternity Leave

In addition to rights provided under the Family and Medical Leave Act, WSPA shall provide paid maternity leave to eligible Employees in accordance with the Arkansas Teacher and Public School Employee Maternity Leave Act, applicable rules of the Arkansas Division of Elementary and Secondary Education (DESE), and all other applicable state and federal laws.

A full-time Employee is eligible for paid maternity leave if the Employee:

- has been continuously employed by WSPA for more than one (1) calendar year immediately preceding the qualifying event;
- satisfies all eligibility requirements established by Arkansas law; and is otherwise eligible under applicable state law.

Eligible Employees shall receive **up to twelve (12) weeks of paid maternity leave** following:

- the birth of the Employee's biological child;
- the adoption of a child less than one (1) year of age; or
- the placement of a foster child less than one (1) year of age in the Employee's home.

Employees requesting maternity leave shall submit written notice to the Executive Director or designee as soon as practicable after the need for leave becomes known. WSPA may require reasonable documentation necessary to verify eligibility and the qualifying event.

Paid maternity leave shall begin on the date of the qualifying event unless otherwise permitted by law and shall be administered in accordance with applicable Arkansas law governing compensation, benefits, and continuation of employment.

When an Employee is eligible for both paid maternity leave and leave under the Family and Medical Leave Act, the leaves shall run concurrently to the extent permitted by law.

Upon expiration of approved leave, Employees shall be restored to employment in accordance with applicable state and federal law.

Nothing in this policy shall be interpreted to provide benefits less than those required by Arkansas law or federal law. Should applicable law be amended, this policy shall be administered in accordance with the law then in effect.

LEGAL REFERENCES:
A.C.A. § 6-17-122 (Arkansas Teacher and Public School Employee Maternity Leave Act)
A.C.A. § 6-17-1201 et seq. (Teachers' Minimum Sick Leave Law)
29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)
29 C.F.R. Part 825
Applicable Rules of the Arkansas Division of Elementary and Secondary Education (DESE)

DATE ADOPTED: 07/2026

5.9 Glucagon and Insulin Administration

Insulin or glucagon or both shall be administered only in accordance with a valid health or 504 plan that covers diabetes management and is based on the orders of a treating physician.

Glucagon and insulin may be administered by trained volunteer school personnel designated as care providers in the student health or 504 plan. A licensed registered nurse employed by WSPA shall annually train volunteer personnel designated as care providers to administer glucagon and insulin. If a parent or guardian of a student with diabetes chooses to have care provided by a care provider, the parent or guardian of a student with diabetes shall sign an authorization to allow the administration of glucagon to the student by volunteer school personnel designated as care providers. WSPA shall maintain a copy of the health or 504 plan, a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization.

Upon written request of a parent or guardian of a student with diabetes and authorization by the treating physician of the student, a student in the classroom, on school grounds, or at a school-related activity may perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and possess on his/her person the necessary supplies and equipment to perform diabetes monitoring and treatment functions. A student shall have access to a private area to perform diabetes monitoring and treatment functions upon request of the parent or guardian of the student, as outlined in the student health plan.

WSPA shall not require or pressure a parent or guardian of a student with diabetes to provide diabetes care at school or a school-related activity.

LEGAL REFERENCE:
A.C.A. § 6-18-711,
A.C.A. § 17-87-107(11),
29 U.S.C. §701, et seq.

DATE ADOPTED: 01/14/2022

5.10 Types of Leave

Jury Duty

In the event an Employee receives a summons for jury duty, notice and a copy of the summons must be given to the Principal of WSPA as soon as possible. Sanctions and disciplinary action may not arise from an Employee's use of jury duty leave. WSPA shall grant paid leave to any Employee who presents a valid summons for jury duty. WSPA shall not require any Employee to submit the amount that he or she receives in payment for performing jury duty.

LEGAL REFERENCE: *A.C.A. § 16-31-106*

Leave for Injury from Assault

An Employee shall be granted leave for up to 1 year with full pay from the date of an injury caused by either an assault or other violent criminal act committed against the Employee in the course of his/her employment. Employees who suffer personal injury while intervening in student fights, restraining a student, or protecting a student from harm shall be considered to be injured within the meaning of this policy.

Employees must report the need for leave under this section to the Principal as soon as possible. The leave of absence under this policy will not be considered Employee sick leave and will not affect the Employee's accrued sick leave. A doctor's certification may be required to verify that the Employee is unable to work due to the injury.

LEGAL REFERENCE: *A.C.A. § 6-17-1209*

Military Leave (USERRA)

WSPA shall comply with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and Ark. Code Ann. 6-17-306. In the event an Employee is given orders for military leave, the Executive Director or Principal shall contact legal counsel to ensure compliance with USERRA and Arkansas law. The Executive Director shall ensure that a copy of the U.S. Department of Labor Notice and Statement of Rights under USERRA is posted in the office in a location that can be plainly seen and easily accessed by Employees. The Principal shall ensure that Employees who may have rights under USERRA receive a copy of the notice and this policy.

Employees who are uniformed service members have the right to be reemployed in the same job and without loss of benefits, promotion, or pay. Employees affected by this policy must notify the Executive Director prior to beginning leave and must submit updated contact information at that time, unless giving notice is impossible, unreasonable, or otherwise precluded by military necessity.

Employees have the right to be reemployed if they leave WSPA to perform service in the uniformed services and:

- the Employee has five years or less of cumulative service in the uniformed services while with WSPA;
- the Employee returns to work in a timely manner after the conclusion of service;

- And the Employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

The leave of absence shall be in addition to the regular vacation, personal, and sick leave time allowed the Employee.

Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay for up to 30 working days, after which leave without pay will be granted. This leave shall be granted in addition to all other leave to which the Employee is entitled.

Any Employee of WSPA requesting a leave of absence in order to engage in military training programs or other official duties, including programs of the Public Health Service, National Guard, or reserve branches are entitled to a leave of absence for a period of 15 days plus necessary travel time in a fiscal year. Employees will submit notice to the Principal upon receiving notice that leave will be necessary. Unused leave will accumulate for use in the following calendar year until it totals 15 days at the beginning of the calendar year or fiscal year, for a maximum number of paid military leave days available in any one calendar year or fiscal year to be 30 days.

Any Employee taking leave under this policy may not be denied any rights and benefits which would have accrued to him/her had s/he not taken leave, including any retirement benefits, promotions, raises, insurance or disability benefits, and any other right or benefit to which they were previously entitled or would have become entitled.

The leave taken shall be considered continuous school employment for purposes of retirement and benefits, regardless of whether the Employee makes contribution. Upon request by the Employee, WSPA shall continue the Employee's insurance during the leave on behalf of the Employee, in order to maintain continuous coverage. If the Employee leaves employment to perform military service, he or she may also elect to continue his/her existing health plan coverage, including dependent coverage, for up to 24 months while in the military.

For service of less than 31 days, the Employee service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the Employee service member must submit an application for reemployment with-in 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

Upon the end of orders, the Employee will provide verbal or written notice to the Executive Director. The Employee shall comply with his/her responsibilities under USERRA.

LEGAL REFERENCE:
A.C.A. § 6-17-306,
38 U.S.C. §4301,
38 U.S.C. §4313,
38 U.S.C §4323

Sick Leave
All sick leave decisions are within the discretion of the Direct Report, and the Executive Director may review sick leave decisions at his/her discretion.

Sick leave is paid leave granted to full-time Employees of WSPA for absences due to illness of the Employee or the Employee's immediate family, which includes the Employee's spouse, child, parent, step-parent, or any member living in the Employee's household.

Sick leave is also paid leave granted to full- time Employees of WSPA for absences due to the death of the Employee's or spouse's family, which includes spouse, child, parent, step- parent, grandparent, sibling, aunt or uncle. Employees may use up to 5 consecutive days of sick leave, which must include the day of the funeral, for the death of a spouse, child, or Employee's or spouse's parent or step-parents. Employees may use up to 3 consecutive days of sick leave, which must include the day of the funeral, for the death of the other family members.

Sick leave is accumulated at the beginning of WSPA year at a rate of one day per month of employment in WSPA.

At the discretion of the Principal or Executive Director, the District may require a written statement of the Employee's physician. Failure to provide such documentation of illness may results in sick leave not being paid, or in dismissal.

Employees will not be paid for sick leave taken in excess of accrued sick leave. Sick leave used for purposes not authorized by this policy may lead to disciplinary action, up to and including non-payment for the unauthorized sick days and/or termination.

Accumulated Sick Leave
Full-time Employees may accumulate unused sick leave, which may then be transferred to the next employment period, up to a maximum of 90 days. Employees may be granted accumulated sick leave from another district or educational entity included by law upon receipt of written proof from the sending district or educational entity, up to a maximum of 90 days.

LEGAL REFERENCE:
A.C.A. § 6-17-1201 et seq.,
A.C.A. § 6-17-1206,
A.C.A. § 6-17-1208

Personal Leave

Exempt and non-exempt Employees may use up to two (2) of the sick leave days as provided in the sick leave policy per year for personal reasons.

Personal leave days must be arranged no less than 24 hours in advance with the Employee Direct Report except in cases of unavoidable emergencies.

Administration has the authority to deny personal leave if in Administrator's opinion the Employee's absence will cause a hardship to the educational process of students or in the case where an Employee has had excessive absences.

Personal leave is used for absences that are not due to school functions, professional development, or jury duty. Personal leave is to be used when other types of leave do not apply.
Personal leave does not accumulate from one contract year to the next.

LEGAL REFERENCE:
A.C.A. § 6-17-211

Vacation Leave Policy

ELIGIBILITY: Employees in the following employment classifications are eligible for vacation leave.

- Full Time Exempt/Non-exempt: 40 Hours per week and;

- Duration of Employment Offer/Contract: 240 days or more with an FTE of 1.00

After completion of one (1) year of employment, an eligible Employee will earn ten (10) days of paid vacation. The Employee will continue to earn 10 days each year thereafter.

Vacation leave may be granted or denied consistent with the operational needs of WSPA, as determined by the immediate Direct Report.

Unused vacation days may be carried over to the next year at a maximum of ten (10) days. Employees who voluntarily resign service from WSPA shall be compensated up to 10 days of unused vacation time at his/her daily rate of pay at the time of the end of employment.

Employees with less than one year of continuous service, who have not met eligibility requirements, and/or involuntarily terminated, will not be entitled to vacation leave.

DATE ADOPTED: 01/14/2022

5.11 Mandated Reporters

School Employees are mandatory reporters and have a duty to immediately report suspected child abuse. Employees shall call the Child Abuse Hotline at 1(800)-482-5964 if there is reasonable cause to suspect that a child has been subjected to child maltreatment or reasonable cause to suspect that a child has died as a result of child maltreatment. Employees must contact the Hotline upon learning of or observing a child being subjected to conditions or circumstances that would reasonably result in child maltreatment. WSPA shall not contact the parent or guardian of any student who is the subject of a report to the Hotline of the student's contact with law enforcement if the parent or guardian is suspected of committing child maltreatment.

Any mandated reporter who knowingly fails to notify the Child Abuse Hotline of the child maltreatment or suspected child maltreatment is subject to job action up to and including termination. Licensed Employees who knowingly fail to report may also be subject to an ethics complaint before the Professional Licensure Standards Board. Mandated reporters who fail to make a timely and accurate report may be subject to criminal penalties, as provided by law.

Reporters are requested to inform the Principal after acall to the Hotline regarding a student within WSPA. Reporters are not required to inform anyone prior to making a report. WSPA shall cooperate with reporters and law enforcement. Reporters shall not be subject to any type of discipline for making a report in good faith. Reports shall be held in the strictest confidence, in the best interest of the student. Any Employee who is found to have violated the confidentiality of the reporting process shall be subject to disciplinary measures, up to and including termination.

LEGAL REFERENCE:
A.C.A. § 12-18-201 et seq.
DATE ADOPTED: 01/14/2022

5.12 Non-TESS Employee Evaluations

Non-teaching Employees shall be evaluated at least annually or as needed. If an Administrator charged with the supervision of an Employee believes or has reason to believe that the Employee is having difficulties or problems meeting the expectations of WSPA or Administration, and the Administrator believes or has reason to believe that the problems could lead to termination, the Administrator may:

- Bring in writing the problems or difficulties to the attention of the Employee involved; and
- Document the efforts that have been undertaken to assist the Employee to correct whatever appears to be the cause for potential termination.

Nothing in this policy shall be construed to limit the ability of WSPA to terminate any Employee's contract at will, nor shall anything in this policy limit the ability of any Employee to end his/her contract at will.

DATE ADOPTED: 01/14/2022

5.13 Operation of a School Vehicle While Using Cell Phones

Any Employee operating a school bus or any vehicle owned by WSPA or operated under contract for WSPA and used for the transportation of children to or from school or school-sponsored activities is prohibited from using a cell phone or other electronic device while driving WSPA vehicle.

This policy does not apply to the use of a cellular telephone for the purpose of communicating with any of the following regarding an emergency situation:

- An emergency system response operator or 911 public safety communications dispatcher;
- A hospital or emergency room;
- A physician's office or health clinic;
- An ambulance or fire department rescue service;
- A fire department, fire protection district, or volunteer fire department; or
- A police department.

Employees may use a cell phone to call for assistance, but should first ensure the safety of any students who may be present and that the vehicle is safely parked. Any Employee in violation of this policy is subject to discipline up to and including termination, and may be subject to fines as provided by law.

LEGAL REFERENCE: *A.C.A. § 6-19-120*
DATE ADOPTED: 01/14/2022

5.14 Other Employment

No Employee shall accept any outside employment that would interfere with his/her professional responsibilities or create a conflict of interest. A conflict of interest occurs when a real or seeming incompatibility arises between an Employee's work duties within WSPA and the Employee's personal, private, or other employment interests. Employees in violation of this policy will be subject to disciplinary measures, up to and including termination.

LEGAL REFERENCE:
Black's Law Dictionary, Conflict of Interest

DATE ADOPTED: 01/14/2022

5.15 Parent-Teacher Relations

WSPA understands and appreciates that a close working relationship with parents and guardians is pivotal to student growth and achievement. In recognition of this important relationship, teachers and administrators will exercise effort to involve and engage parents in the education process. WSPA will assist parents and guardians by providing necessary resource to communicate clearly and effectively, making effort to eliminate all barriers to communication and understanding, including but not limited to language barriers.

Teachers are expected and required to communicate with the parent(s) or guardian(s) of every student during the school year to discuss the student's academic progress, and must do so in a minimum of two parent-teacher conferences per year for each student. More frequent communication will be expected with the parent(s) or guardian(s) of students not performing at the level expected for his/her grade. All conferences will be scheduled at a time and place agreed upon by the parent or guardian and teacher.

Teachers will strive to accommodate parent or guardian preferences for the time and location of the meeting to best ensure parent participation.

WSPA shall document parent or guardian participation or nonparticipation in all mandatory conferences. If a student is to be retained at any grade level, notice of retention and the reasons for retention shall be communicated to the parent(s)/guardian(s) in a timely manner in a conference with the Principal and the student's teacher(s). WSPA shall make a good faith effort to make contact with the parent(s)/guardian(s) by all means available to it. In the event a parent or guardian cannot be reached by these methods, WSPA will send a notice of retention and request for a conference by certified mail to the parent or guardian address on file.

LEGAL REFERENCE*:*
A.C.A. § 6-15-1701
ADE Rules Governing Standards for Accreditation §12.04

DATE ADOPTED: 01/14/2022

5.16 Personal Electronic Devices

Employees may not use cell phones, tablets, laptops, or other personal electronic devices when students are present, unless use of the device is necessitated by emergency circumstances. Teachers may use these devices for instructional purposes upon prior approval by his/her immediate Direct Report. No Employee shall use a school-issued cell phone while driving any vehicle at any time. Violation of any part of this policy may result in disciplinary action, up to and including termination.

DATE ADOPTED: 01/14/2022

5.17 Personnel Open Communication Policy

The fair, prompt and just treatment of all Employee problems or complaints is of primary importance to WSPA. Open communication is a vital part of a successful organization. Providing an atmosphere conducive to open discussion among all Employees regardless of position is stressed at all levels.

When an Employee has a problem or complaint, he/she is encouraged to discuss it with his/her Direct Report at the earliest convenient time. It is hoped that the complaint can be settled at that level to the Employee's satisfaction.

DATE ADOPTED: 01/14/2022

5.18 Political Activity

Employees may engage in personal political expression and activities after school hours and not on school property. Employees are expected to ensure that personal political activities do not interfere with the performance of his/her duties or negatively affect the educational environment.

Employees may not employ, involve, or otherwise use students in his/her activities under this section. School forums, materials, and equipment may not be used by Employees for political purposes. Employees may not create, post, or distribute political materials to anyone during work hours on school property. Materials to be posted or distributed which may fall under this policy must receive written approval from the Principal prior to being posted or distributed.

DATE ADOPTED: 01/14/2022

5.19 Professional Development

WSPA shall provide no less than 6 professional development days to be included in the teacher agreement with WSPA. The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, and school-wide improvement designed to ensure that all students demonstrate proficiency on the state academic standards.

Definitions

Professional Development Day - six (6) hours of professional development equals one (1) professional development day. Unless the planned training is 8 hours. Then a day would be considered 8 hours.

Professional Development Plan - outlines the professional development program of activities for a district, school, or educator that is based on student data and is aligned to the ACSIP, and incorporates an educator's professional growth plan.

Professional Growth Plan - is an educator's plan for professional growth that identifies professional learning outcomes to advance the educator's professional skills and clearly links professional development activities and the educator's individual professional learning needs identified through TESS or LEADS.

All professional development must be pre-approved by the Principal. Any professional development where school funds are expended must be pre-approved by the Executive Director.

Professional Development Generally

Professional development is a set of coordinated planned learning activities for educators that:

- Align with school mission and vision;
- Improves the knowledge, skills, and effectiveness of teachers, including the ability to apply what is learned;
- Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills, including the ability to apply what is learned;
- Leads to improved student academic achievement;
- Is research-based and standards-based;
- May incorporate educational technology as a component of the professional development, including without limitation taking or teaching an online or blended course; and
- May provide educators with knowledge and skills needed to teach:
  - Students with intellectual disabilities, including without limitation Autism Spectrum Disorder;
  - Students with specific learning disorders, including without limitation dyslexia;
  - Culturally and linguistically diverse students; and
  - Gifted students.

The annual professional development requirement must be fulfilled between June 1 and May 30. Approved professional development activities that occur during the instructional day or outside the

educator's annual contract days may apply toward the annual minimum professional development requirement.

Any educator who misses any part of regularly scheduled professional development activities for any reason (such as illness) must make up that time in other approved professional development activities. An educator shall complete any missed hours of professional development through professional development that is:

Approved by the person responsible for the teacher's summative evaluation;

Is substantially similar to the professional development missed and approved by the person responsible for the educator's summative evaluation; and

Delivered by any method approved by ADE.

Each year pre-approved professional development will be required during the summer as defined in the employment offer.

College Courses

- Five hours of credit for professional development shall be given for each one hour of college credit for a graduate-level course, if the college credit:

- Is related to and enhances the educator's knowledge of the subject area in which the educator is currently employed and is related to the educator's professional growth plan;

- Is part of the requirement for the educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of educators; or

- Is otherwise approved by the ADE as a graduate level course eligible for professional development credit.

Professional development obtained through college courses may be allocated as follows:

- Up to 15 hours may be credited to the professional development requirements for licensure; and

- Hours obtained in excess of 15 may be credited to any remaining requirements for professional development generally, if approved by WSPA in a professional development plan.

The allocation of professional development credit obtained through college credit shall be approved by the person responsible for the educator's summative evaluation. The focus of the course must specifically relate to the job assignment as approved by the person responsible for the educator's summative evaluation.

An educator may earn up to 12 hours of professional development credit approved by WSPA, which may be applied toward the professional development requirement for the time period at the beginning of each school year that is used to plan and prepare curriculum or develop other instructional material.

Educators shall be entitled to one hour of professional development credit for each hour of approved preparation, provided the educator spends the time:

- In his/her instructional classroom, office or media center at WSPA;
- Prior to the first student teacher interaction day of the school year; and
- In a focus area as defined by the ADE Rules Governing Professional Development, and may include but is not limited to time spent in the following areas:
- Grade level and/or vertical team planning to integrate subject areas; o Team work to analyze student data;
- Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);
- Developing and/or revising curriculum, including student-centered units and assessments aligned to state curriculum frameworks;
- Professional book studies;
- Developing intervention strategies to support remediation and/or acceleration;
- Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);
- Pursuing study as noted in an educator's professional growth plan;
- ArkansasIDEAS on-line professional development related to ACSIP or the educator's professional growth plan.

Specific activities which do not qualify for professional development credit include without limitation:

- Making and putting up bulletin boards;
- Clerical work associated with documents such as ACSIP, AIP and IEPs; and
- Administrative faculty or team administrative meetings.

Nothing in this policy shall prevent or restrict WSPA from requiring additional in-service training.

Minimum Annual Requirements

Each educator shall obtain 36 hours of professional development annually for renewal of an educator's license. The 36 professional development hours under this policy shall include, at a minimum the professional development required in the educator's professional growth plan under the requirements of TESS or LEADS and professional development required by law or by rule.

Scheduled Professional Development

The professional development required under this policy must come from an approved provider. The 2 hours in each area of professional development required under this policy shall be counted in the school year in which the professional development is taken toward the minimum number of hours of professional development required for educators for that school year. If an educator obtains additional hours above the minimum requirements, the educator may count those additional hours toward the total minimum hours of professional development required for educators for that school year.

WSPA shall make available to the appropriate educator professional development according to the state-mandated schedule on:

- Child maltreatment mandated reporter training;
- Parent involvement;
- Teen suicide awareness and prevention;
- Arkansas history; and
- Requirements for specific licensure areas, including those for administrators and athletic coaches as applicable.

School Professional Development Plans

WSPA shall develop and implement a professional development plan. Teachers, administrators, and paraprofessionals shall be involved in the design, implement at io n and evaluation of his/her respective professional development offerings under WSPA and school district professional development plan. WSPA's professional development plans shall be included in WSPA's Arkansas Comprehensive School Improvement Plan (ACSIP) and shall be reviewed annually by WSPA.

Reporting, Monitoring, and Evaluation

WSPA shall maintain all documents for its Employees that reflect completion of professional development programs, whether such programs were provided by an outside organization or by WSPA itself. WSPA shall report the amount of all professional development programs completed by its Employees to the ADE at the time and in the manner specified by the ADE.

LEGAL REFERENCE:
A.C.A. § 6-15-404(f)(2)
A.C.A. § 6-17-701 et seq.,
A.C.A. § 6-17-703,
A.C.A. § 6-17-704,
A.C.A. § 6-17-705,
A.C.A. § 6-15-1004(c),
A.C.A. § 6-15-1703,
Arkansas Department of Education Rules Governing Professional Development,
ADE Rules Governing Standards for Accreditation 15.04

DATE ADOPTED: 01/14/2022

5.20 Public Office

All Employees are encouraged to run for and accept appointments to public office, if they so desire. No Employee will be subject to discipline, termination, or loss of benefits as a result of running for or accepting a public office. Employees must give notice to the Executive Director as soon as possible prior to taking leave associated with this policy and, if practicable, must provide a list of anticipated dates for which leave may be taken.

Employees running for public office may be subject to the following restrictions:

- A school board member may not work for the school which he or she serves.
- Schools may not grant any Employee paid leave for activities related to public service or public office, but Employees may use personal days for this purpose with the prior approval of the executive director.
- Sick leave may not be used for activities under this policy.
- Employees are not permitted to use school property, school supplies, or other school resources in furtherance of his/her bid for public office.

LEGAL REFERENCE: *A.C.A. § 6-17-115*

DATE ADOPTED: 01/14/2022

5.21 Nurses

School nurses are subject to the requirements of the Arkansas Nurse Practice Act and applicable rules and regulations promulgated by the Arkansas State Board of Nursing. School nurses are also subject to supervision by Direct Report.

Nurses are charged with strict compliance with all applicable privacy laws.

LEGAL REFERENCE:
A.C.A. § 17-87-01 et seq.,
Arkansas State Board of Nursing Rules: Chapter 5 - Delegation

DATE ADOPTED: 01/14/2022

5.22 Religious Clothing

It is WSPA's policy that any Employee may wear the clothing of any religion in the public schools and institutions of this State. No Employee will be subject to discipline or retaliation based on religion.

LEGAL REFERENCE:
A.C.A. § 6-17-108

DATE ADOPTED: 01/14/2022

5.23 Bullying

Bullying of any Employee is strictly prohibited while in or on WSPA property, at WSPA sponsored or hosted events, by an electronic act that results in the substantial disruption of the orderly operation of WSPA or educational environment, whether or not the electronic act originated on WSPA property or with WSPA equipment, if the electronic act is directed specifically at Employee, student, or other personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

"Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by an Employee against another Employee by a written, verbal, electronic, or physical act that may address an attribute of the Employee, or person with whom the other Employee is associated and that causes or creates actual or reasonably foreseeable:

- Physical harm to an Employee or student or damage to the Employee's or student's property;
- Substantial interference with a student's education or with an Employee's role in education;
- A hostile educational environment for one or more Employee due to the severity, persistence, or pervasiveness of the act; or
- Substantial disruption of the orderly operation of WSPA or educational environment.

As used in this policy, "attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation.

"Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, cell phone, tablet, computer, or other electronic communications device.

"Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in WSPA environment.

"Substantial disruption" means without limitation that any one or more of the following occur as a result of the bullying:

- Necessary cessation of instruction or educational activities;
- Inability of Employee to focus on learning or function as an educational unit because of a hostile environment; or
- Exhibition of other behaviors by Employee that substantially interfere with the learning environment.

Upon receiving a credible report or complaint of bullying, the Principal shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

Any Employee who has witnessed or has reliable information that a student has been a victim of bullying as defined by WSPA shall report the incident to the Principal. Students, Employees, or parents who file a complaint will not be subject to retaliation or reprisal in any form.

Notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying shall be conspicuously posted in every room or space in WSPA, including every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in WSPA and shall be provided to parents, students, school volunteers, and Employees. A full copy of this policy shall be made available upon request.

WSPA shall provide training on compliance with this policy to all Employees responsible for reporting or investigating bullying under this section. An Employee who has reported violations under this policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

LEGAL REFERENCE:
See generally, A.C.A. § 6-18-514

DATE ADOPTED: 01/14/2022

5.24 Reports & Records

Teachers may, from time to time, be required to keep certain records and make certain reports as may be necessitated by law or WSPA Board, Executive Director or Principal. Teachers will have clear instructions and timely notice from the principal of what records and reports are to be maintained and when they are due. Teachers are expected to provide all records and reports to WSPA before he or she will be entitled to receive the last paycheck of the school year from WSPA.

LEGAL REFERENCE:
A.C.A. § 6-17-104

DATE ADOPTED: 01/14/2022

5.25 Return of Employment Offer

An Employee shall have five (5) days from the date of the receipt of his/her employment offer for the following school year in which to return the employment offer, signed to the office of the Executive Director.

Failure of an Employee to return the signed employment offer to the office of the Executive Director within five (5) days of the receipt of the employment offer shall operate as a resignation by the Employee. No further action on the part of the Employee, the Executive Director, or WSPA Board shall be required in order to make the Employee's resignation final.

DATE ADOPTED: 01/14/2022

5.26 School Calendar

The Executive Director shall present to WSPA Board a school calendar for board approval. The Executive Director, in developing the calendar, shall accept and consider recommendations from any Employee or group wishing to make calendar proposals. The calendar will be presented to WSPA Board no later than the regularly scheduled March board meeting.

The WSPA Charter School calendar is available at www.thewestwindschool.org

LEGAL REFERENCE:
A.C.A §6-17-201

DATE ADOPTED: 01/14/2022

5.27 Qualifications for Hiring

WSPA is an equal opportunity employer. All core academic class teachers must be qualified as determined by applicable school requirements, state law, rules and regulations. All teachers must have, at minimum, a Baccalaureate Degree. WSPA shall abide by the veteran's hiring preference as set forth in Ark. Code Ann. § 21-3-302 and Ark. Code Ann. § 21-3-303.

LEGAL REFERENCE:
A.C.A. §21-3-302;
A.C.A. §21-3-303

DATE ADOPTED: 01/14/2022

5.28 Salary Schedules

Employees will be paid according to the WSPA Board approved salary schedules. Current salary schedules and stipend information are available at www.thewestwindschool.org. Inquiries regarding this policy may be directed to the Principal or Executive Director.

LEGAL REFERENCE:
A.C.A. § 6-17-2403,
A.C.A. § 6-20-2305(f)(4)

DATE ADOPTED: 01/14/2022

5.29 Sex Offenders

Under the Arkansas Sex and Child Offender Registration Act, also known as "Megan's Law," law enforcement may notify WSPA when a sexual offender is in the area who potentially poses a risk to WSPA population. Law enforcement uses a rating system to assess offenders and determine the risk an offender may pose to the community. The rating system places offenders on a scale from Lev- el 1 (lowest risk offenders) to Level 4 (high-risk and/or violent offenders).

Employees are not permitted to notify parents, students, or other members of the community unless specifically requested by the Executive Director or Principal to do so upon request from law enforcement.

When notified by law enforcement, the Principal will work with the Executive Director to determine which Employees within WSPA should be informed of the notification. The Principal shall share the notice with any person who in the course of his/her employment or assignment is regularly in a position to observe unauthorized persons on or near the property of the notified school, which may include, but are not limited to:

- Aides
- Bus drivers
- Coaches
- Maintenance staff
- Professional support staff
- School level administrative staff
- Security personnel
- Teacher's assistants
- Teachers

The Principal will impress upon school personnel receiving notice the importance of confidentiality. Employees shall be informed that they shall not disseminate information about an offender to anyone outside of WSPA.

Any breach of confidentiality about an offender may lead to disciplinary action, up to and including termination. If any Employee has reason to believe that an offender is a danger to someone outside of WSPA, he or she should immediately contact local law enforcement.

Level II Offenders

Level I and Level II offenders are considered low-risk offenders and are permitted to enter a school campus under the same terms and circumstances as other members of the community. If WSPA is informed of the presence of a Level I or II offender, Administrators and other Employees are not permitted to disseminate this information to the following:

- Members of the parent-teacher organizations
- Organizations using school facilities
- Other schools
- Parents or guardians of students
- Press
- Students

In the event any organization using school facilities requests this information from school personnel, the organization should be directed to the area law enforcement that issued the notice. If members of the press contact WSPA for information relating to sex offenders, they may be informed about the procedures that have been put in place and other general topics. No one may reveal the name or any other specifics regarding an offender and no one should confirm or deny whether notice as to any particular offender has been disseminated.

Level III or Level IV Offenders

In the case of a Level III or Level IV notification, if WSPA is located in an area affected by the presence of an offender, area law enforcement notification may include the students in WSPA and, within law enforcement's discretion, notice will be given to the parents or guardians of those students by WSPA. The determination as to the appropriate method to use in the dissemination of the notice will be reached through cooperation with area law enforcement.

Any notice generated under this Policy will be kept in a secure place accessible to Employees, but not accessible to students or members of the community at large. Under no circumstances will WSPA post such a notice.

Offenders who are parents, guardians, or students

This Policy does not operate to prevent a sex offender registrant from attending school as a student. The procedures in this policy applying to notification for sex offenders will also apply to students who are sex offender registrants. For any student sex offender registrant, WSPA will implement a juvenile safety plan, which shall be held in strict confidence. The Executive Director is charged with effectively communicating the terms of the juvenile safety plan to only those Employees who are in direct regular contact with the student and who may be responsible for the student. Anyone receiving notice and instructions under a juvenile safety plan will be required to sign a confidentiality statement outlining the obligation to keep the plan confidential and any corresponding obligations which may exist with regard to student privacy.

This policy does not operate to prevent a sex offender registrant who is the parent or guardian of a student from entering school property for parent-teacher conferences, for dropping off the child at school, or for any other activity which is appropriate for a parent or guardian, unless otherwise limited by an applicable judicial restraining order or conditions of probation or parole.

WSPA shall make every effort to protect students and comply with the law without stigmatizing any student whose parent or guardian is a registered sex offender. The Executive Director shall create a detailed procedure to allow a sex offender registrant parent to pass safely through WSPA for one of the reasons authorized by this Policy without drawing attention or alerting others to the parent's sex offender status. The procedure will take into account any relevant orders or limitations. The parent's sex offender status and any procedures created to assist the parent will be kept confidential and will not be disseminated.

LEGAL REFERENCE:
A.C.A. § 12-12-901 et seq.

DATE ADOPTED: 01/14/2022

5.30 Title IX Sexual Harassment Policy

INTRODUCTION

Title IX provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

This Policy addresses sexual harassment by or against all individuals who participate in WSPA's activities, including students, Employees and third parties. Finally, the Policy applies to all complaints against WSPA students or Employees who are alleged to have committed Sexual Harassment (as defined herein) in the provision of WSPA's education programs and activities.

Any Employee who has knowledge of sexual harassment is required to immediately report any allegations of Sexual Harassment to the Title IX Coordinator.

No one may retaliate against any individual for filing a reasonable complaint alleging Sexual Harassment, for assisting in a complaint investigation, or for refusing to assist in a complaint investigation. Any member of the school community who attempts to interfere with, restrain, coerce, discriminate against, or harass, whether overtly or covertly, any individual pursuing a complaint of Sexual Harassment or assisting in a complaint investigation will be subject to prompt and appropriate disciplinary action, up to and including dismissal of employment or suspension from WSPA. Any retaliatory conduct should be reported immediately to the Title IX Coordinator.

WSPA has a Title IX Coordinator who oversees WSPA's compliance with Title IX requirements. The Title IX Coordinator is an available resource to advise any individual, including a Complainant or Respondent, about the courses of action available, both informally and formally. Contact the Title IX Coordinator/Executive Director at:

Name: Theresa Timmons

Email: ttimmons@thewestwndschool.org

Address: 7318 Windsong, North Little Rock, AR 72118

Telephone: (501) 621-5300

DEFINITIONS

"Complainant" is the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

"Consent" means freely agreeing to engage in sexual activity. A person is not capable of giving consent in many circumstances, including, but not limited to, when the person is:

1. asleep or unconscious;

2. physically helpless;

3. under the influence of drugs or alcohol; or

4. unable to give consent due to an intellectual or other disability. Past consent to sexual activity does not imply future consent. Consent can be withdrawn at any time.

"Formal Complaint" is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that WSPA investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an education program or activity at WSPA. "Respondent" is an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

"Sexual Harassment" includes conduct on the basis of sex that satisfies one or more of the following categories:

1. Quid Pro Quo Sexual Harassment occurs when an Employee conditions educational benefits on participation in unwelcome sexual conduct.

2. Hostile Environment involves unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to WSPA's education programs or activities.

3. Sexual Assault includes:

    a) any sexual act directed against another person, forcibly and/or against that person's will;

    b) any sexual act directed against another person where the person is incapable of giving consent;

    c) incest; or

    d) statutory rape.

4. Dating Violence is violence committed by a person who is or has been in a social or romantic relationship with the victim. The existence of such a relationship is determined based on:

    a) the length of the relationship;

b) the type of relationship; and

c) the frequency of interaction between the persons involved in the relationship.

5. Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Arkansas.

6. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for the person's safety or the safety of others; or suffer substantial emotional distress.

REPORTING A CLAIM

Title IX Coordinator Response

Upon receipt of notification of a potential violation, the Title IX Coordinator will promptly and confidentially contact the Complainant to discuss the availability of Supportive Measures (as described below) and the Complainant's wishes with respect to Supportive Measures. The Title IX Coordinator will notify the Complainant that Supportive Measures are available whether or not the Complainant elects to file a Formal Complaint. The Title IX Coordinator will also explain the process of filing a Formal Complaint to the Complainant, and that a Formal Complaint can be filed at any time. If a Complainant does not wish to file a Formal Complaint, WSPA will generally respect those wishes and no further investigation will occur. However, if the Title IX Coordinator makes a reasonable determination that, under the known circumstances, an investigation is necessary even in the absence of the Complainant's filing of a Formal Complaint, the Title IX Coordinator may submit a signed Formal Complaint to initiate the investigation.

Supportive Measures

Supportive Measures are intended to restore or preserve access to WSPA's education program and activities in a manner that does not provide an unreasonable burden to any party. Supportive Measures may include counseling, deadline extensions, leaves of absence, mutual restrictions on contact between individuals, and academic and work accommodations. The provision of Supportive Measures will be kept confidential to the extent that maintaining confidentiality does not impact WSPA's ability to provide them. Supportive Measures will be non-disciplinary, non-punitive, individualized, and narrowly tailored. No fee will be charged to any party for the provision of the Supportive Measures. Upon notification of a potential report, the Title IX Coordinator will work with all parties involved to implement appropriate Supportive Measures or accommodations that are reasonably available to protect the safety and well-being of the Complainant and the Respondent.

Process of Filing a Report [Reporting Process]

Students and Employees who become aware of or are the victims of Sexual Harassment should notify the Title IX Coordinator in person, by mail, by phone, by email, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The person reporting does not need to be the alleged victim of the conduct that could constitute Sexual Harassment. The report may be made at any

time, including non-business hours, by using the telephone number, mailing address, or electronic mailing address of the Title IX Coordinator.

Filing of Formal Complaint

If a Formal Complaint is filed by the Complainant or Title IX Coordinator, WSPA will conduct an investigation as set out below. However, if the allegations in a Formal Complaint do not meet the definition of Sexual Harassment, or did not occur in WSPA's education program or activities, the Title IX Coordinator may dismiss the Formal Complaint.

WSPA will maintain the confidentiality of the Complainant, Respondent, and witnesses except as permitted by the Federal Educational Rights Privacy Act ("FERPA"), as required by law, or as necessary to conduct the investigation of the allegations raised by the Formal Complaint.

Mandatory Dismissal of Formal Complaint

If at any point prior to entry of a final determination on the Formal Complaint, WSPA determines that the conduct alleged in the Formal Complaint, if assumed true:

1. Does not constitute Sexual Harassment;

2. Did not occur in WSPA's education program or activity; or

3. Did not occur against a person in the United States, then WSPA must dismiss the complaint for purposes of this Title IX procedure.

Optional Dismissal of Formal Complaint

WSPA may dismiss a Formal Complaint prior to final determination in its discretion if:

1. The Complainant would like to withdraw the Formal Complaint;

2. The Respondent is no longer enrolled or employed by WSPA; or

3. Specific circumstances prevent WSPA from gathering evidence sufficient to make a final determination.

Conduct

If the Respondent is an Employee, WSPA may impose a paid administrative leave on the Respondent if the Title IX Coordinator determines there is an immediate threat to the health or safety of the WSPA's students and Employees.

Protection Order

WSPA will work to implement orders of protection issued by courts as those orders impact education programs and activities on WSPA property. If any member of the school community obtains an order of protection or restraining order, that individual should promptly provide the Title IX Coordinator with a

copy of that order so that WSPA can implement it as it relates to the WSPA property, education programs, and activities.

INVESTIGATION OF A FORMAL COMPLAINT

Notice of Investigation

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the Complainant and Respondent with a written copy of this Title IX Policy. The Title IX Coordinator will also, in writing, fully disclose to both the Complainant and Respondent:

1. The allegations of wrongdoing, including, if known, the specific school policies that were violated, the conduct allegedly constituting Sexual Harassment, and the date and the location of the alleged incident(s);

2. The rights and responsibilities of all parties, including the fact that Respondent shall be presumed not responsible at the commencement of the investigation and that the ultimate determination will be made at the conclusion of the grievance process;

3. That each party has the right to request and inspect the evidence;

4. The formal and informal resolution process;

5. The prohibition against retaliation;

6. The need to preserve any relevant evidence or documentation in the case for use in other proceedings, including criminal matters, civil proceedings, and protection order proceedings;

7. The availability of supportive measures and accommodations;

8. The need to prove the allegations by a preponderance of the evidence; and

9. Possible remedies and outcomes.

The notice will also inform all parties that they may request to inspect and review evidence, and that knowingly making false statements or submitting false information during the process is prohibited. This notice will be provided to the Complainant and the Respondent with sufficient time for each to prepare a response before any initial interview.

Overview of the Investigation

The Title IX Coordinator will appoint one or more trained investigators to conduct a prompt, impartial, and fair investigation of the Formal Complaint. The investigator may be an Employee or an external investigator engaged to assist WSPA in conducting an investigation. The investigation begins with the presumption that the Respondent is not responsible for the alleged conduct, and that presumption remains until a final determination is made regarding the formal complaint. All parties involved, including witnesses, will be treated with respect and with sensitivity.

The investigation will be completed within 30 days following of the filing of the Formal Complaint unless the Title IX Coordinator determines that good cause exists to extend this time period. Good cause includes, but is not limited to, concurrent law enforcement activity, school closure for holidays and breaks, and witness availability. The Title IX Coordinator will notify the parties in writing if good cause is found to extend the deadlines. The Title IX Coordinator will provide the parties with periodic updates regarding the status of the process and will provide notice to the Complainant and Respondent of any additional allegations of Title IX violations discovered in the course of the investigation.

During the investigation, the investigator will:

1. Be objective, and will consider all relevant evidence, both inculpatory and exculpatory. The investigator will not make credibility determinations based on a person's status as Complainant, Respondent, or witness;

2. Treat all parties involved, including witnesses, with respect and sensitivity;

3. Allow both the Complainant and Respondent the opportunity to discuss the allegations and to gather evidence in support of the claim or defense;

4. Interview both the Complainant and Respondent, as well as any witnesses. The Title IX Coordinator or the investigator will notify the Complainant and Respondent (and his/her advisors, if any "Advisor(s)") of the date, time, place, and purpose of all interviews, or other meetings to which the Complaint or Respondent is expected to attend with sufficient time for the party to prepare to participate;

5. Allow the Advisor for the Complainant and the Advisor for the Respondent to attend any interviews or other meetings in which the investigator requests the presence of the party. However, the Advisor will attend these interviews or meetings in an advisory capacity only and the investigator may limit the Advisor's participation in the meetings or interviews as long as the investigator does so equally for both the Advisor to the Complainant and the Advisor to the Respondent;

6. Give both the Complainant and Respondent full opportunity to prevent evidence and witnesses (both factual and expert) in support of or in opposition to the allegations contained in the Formal Complaint; and

7. Ensure that all interviews are properly documented and that the investigation is conducted in a thorough, objective manner that is considerate of all parties involved.

Review of the Evidence

Within 20 days of the beginning of the investigation, the Title IX Coordinator will give both the Complainant and Respondent equal opportunity to review and inspect any evidence gathered during the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory and exculpatory evidence as well as evidence that WSPA does not intend to rely on during the decision process. Each party will then have 10 days to submit a written response to the investigator. If a party needs additional time to respond, the party should make that request in writing to the Title IX Coordinator who may, in the Title IX Coordinator's discretion, grant an extension. If an extension is granted to one party, it

shall also be granted to the other party. The investigator will consider the written response from each party prior to finalizing the investigation.

Investigator's Report

Upon conclusion of the investigation, within 10 days the investigator will provide the Title IX Coordinator with a report that fairly summarizes and analyzes the relevant facts and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). The Title IX Coordinator shall provide a copy to both the Complainant and the Respondent and either party may provide a written response within 10 days.

Informal Process

Except in cases involving allegations that an Employee has sexually harassed a student, at any time prior to the final determination of responsibility, the Complainant and Respondent may agree to utilize an informal resolution process such as mediation to resolve the Formal Complaint. If either the Complainant or Respondent is unwilling to participate, no informal process can occur. Prior to implementing an informal process, in addition to the information noted above, the Title IX Coordinator will provide the parties a written notice of the terms of the proposed informal resolution process, and any consequences resulting from an informal resolution, including the records maintained. The Title IX Coordinator will obtain the parties' voluntary, written consent to informal resolution.

The parties to the informal process will not be required to deal directly with one another unless both parties agree. Instead, either the Title IX Coordinator or a neutral third party appointed by the Title IX Coordinator will act as a facilitator who will share the results of the investigation with the parties, meet with the parties either jointly or separately, and make recommendations for resolution of the Formal Complaint. The Complainant and the Respondent may each have an Advisor present at all meetings in which they participate. The facilitator does not have the authority to impose a resolution on the parties but will attempt to reach a satisfactory resolution of the Formal Complaint.

Steps taken by the facilitator to help the parties achieve informal resolution, and the results of the informal resolution process will be documented and provided to the Title IX Coordinator. The Title IX

Coordinator will contact the Complainant and Respondent to determine whether the informal resolution has adequately resolved the Formal Complaint. Any party may request that the informal resolution process stop at any time.

Decision

Within 10 days of receiving the investigator's report from the Title IX Coordinator, the Executive Director will make a final written determination explaining for each allegation whether the Respondent is responsible or not responsible by a preponderance of the evidence, including the facts and evidence upon which the conclusion is based. Credibility determinations are for the Executive Director to make. The Executive Director's written report will include the following:

1. Identification of the section(s) of WSPA policies alleged to have been violated by the Respondent;

2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the facts to the policy language;

5. A statement of rationale for each allegation, including a determination regarding responsibility, sanctions, if any, on Respondent, and any remedies to be provided by WSPA to the Complainant designed to restore or preserve access to the Complainant's education program or activity; and

6. WSPA's procedures and grounds for appeal. The Executive Director should also inform the parties that the decision is not final until any appeal process is exhausted. An appeal may be made to WSPA Board after the dismissal of the complaint before the decision process or at the end of the decision process. Grounds for appeal may be based on the following:
    a. A procedural irregularity affected the outcome of the matter;

    b. New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal;

    c. A conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome; and

    d. When the result of the process is a suspension or expulsion of a student or in the event of a suspension or termination of an Employee.

RECORDS & RIGHTS

Record Retention

The Title IX Coordinator will maintain, for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report of alleged Sexual Harassment or a Formal Complaint. With respect to allegations that do not result in the filing of a Formal Complaint, WSPA will retain records of any actions, including Supportive Measures, taken in response to those allegations.
Additionally, for Formal Complaints, WSPA will maintain, for a period of seven years, all records of:

1. The investigation, including determination, sanction, and remedies;

2. Any appeal and the results of that appeal;

3. The results of informal resolution attempts, if any; and

4. All materials used to train investigators, coordinators, and adjudicators with regard to Sexual Harassment. Upon request of either the Complainant or Respondent involved in the Formal Complaint, WSPA will make the records concerning that Formal Complaint available to one or both parties.

Other Reporting Options

Members of the school community who believe they have been subject to Sexual Harassment are encouraged to use this policy. In addition, individuals also have the right to file a complaint with outside enforcement agencies, including the United States Department of Education Office of Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), the Arkansas Department of Labor, and state or local law enforcement authorities.

Whether or not an individual chooses to contact law enforcement and initiate criminal charges, the individual retains the right to file a Formal Complaint. Individuals may also file a civil lawsuit against the offending party. If criminal or civil proceedings are commenced, WSPA reserves the right to conduct its investigation and take disciplinary actions despite the ongoing legal proceedings and regardless of the outcome or disposition of any legal proceeding.

Privacy and Confidentiality

WSPA recognizes the sensitive nature of Sexual Harassment allegations. WSPA will do its utmost to protect the privacy of the parties involved to the extent that it is consistent with the law and need to protect the safety of its community. Any information concerning a complaint will be shared only on a need-to-know basis. Information that is private and information that is confidential are not the same. “Private” information means information that will only be shared with a limited circle of individuals on a "need to know" basis to allow active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidential information is information that will not be shared by the receiving party with any other party. WSPA will also abide by the provisions of the Family Educational Rights and Privacy Act and the Freedom of Information Act. WSPA may call appropriate law enforcement authorities at any time to confidentially discuss sexual assault and other situations.

Misuse of Policy

A person who brings a reasonable charge of Sexual Harassment in good faith, even if it may be erroneous, will not be subject to discipline. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. Any student or Employee who brings a false or malicious charge of Sexual Harassment may be subject to disciplinary action.

ADOPTED: 01/14/2022

5.31 Supervision of Students

All WSPA personnel are expected to conscientiously execute his/her responsibilities to promote the health, safety, and welfare of WSPA's students under his/her care. The Executive director shall direct all principals to establish regulations ensuring faculty supervision of students throughout the school day and at extracurricular activities.

The assignment of teacher aides shall be made by the Principal or his/her designee. Changes in the assignments may be made as necessary due to changes in the student population, teacher changes, and to best meet the educational needs of the students.

LEGAL REFERENCE:
A.C.A. § 6-17-201

DATE ADOPTED: 01/14/2022

5.32 Teacher Excellence Support System (TESS)

Each teacher employed by WSPA shall be evaluated in writing under the Teacher Excellence and Support System (TESS). Teachers will participate in TESS, including classroom observations and pre-observation and post-observation conferences and will collaborate in good faith with the evaluator to develop the teacher's professional growth plan. If a teacher and evaluator cannot agree on the professional growth plan, the evaluator's decision shall be final.

At a time other than an evaluation conducted under the Teacher Excellence and Support System, if an Executive Director or Principal charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of WSPA or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the Executive Director or Principal shall bring in writing the problems or difficulties to the attention of the teacher involved and document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination.

Annually in a summative evaluation year or an interim appraisal year, WSPA shall assign each teacher employed by WSPA an annual overall rating that is based on the teacher's professional practice. Annually during a school year, WSPA shall conduct a summative evaluation for every teacher employed in the public school who is a novice teacher, probationary teacher, or teacher who successfully completed intensive support status within the current or immediately preceding school year. For all other teachers, WSPA shall conduct a summative evaluation at least once every four years, or more often if needed.

A teacher shall submit artifacts agreed upon by the teacher and evaluator, or by the evaluator if the teacher and evaluator cannot agree, as evidence of professional practice in determining the performance rating for a summative evaluation. The artifacts considered by the teacher and evaluator in a summative evaluation for the performance rating shall consist of evidence related to each teacher evaluation domain.

In a school year in which a summative evaluation is not required under this policy, the teacher shall focus on elements of the teacher's professional growth plan as approved by the evaluator that are designed to help the teacher improve his/her teaching practices and with the evaluator's approval may collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level, or conduct self-directed research related to the teacher's professional growth plan.

WSPA may use interim appraisals to support teachers on an ongoing basis throughout WSPA year, provide a teacher with immediate feedback about the teacher's teaching practices, engage the teacher in a collaborative, supportive learning process, help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments; and provide a performance rating that is included in the annual overall rating.

A teacher being evaluated and the evaluator, working together, shall develop a professional growth plan for the teacher that identifies professional learning outcomes to advance the teacher's professional skill and clearly links professional development activities and the teacher's individual professional learning needs identified through the Teacher Excellence and Support System. The professional growth plan for a teacher shall require that at least one-half of the professional development hours required by law or rule for teacher licensure are directly related to one (1) or more of:

- The teacher's content area;
- Instructional strategies applicable to the teacher's content area; or
- The teacher's identified needs.

If a teacher and evaluator cannot agree on a professional growth plan, the evaluator's decision shall be final. For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional growth plan.

Until the teacher is removed from intensive support status, all professional development identified in the professional growth plan, except professional development that is required by law or by the public school where the teacher is employed, shall be directly related to the individual teacher's needs.

Intensive Support Status

An evaluator shall place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" in any one entire teacher evaluation domain of the evaluation framework. An evaluator may place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of components in a teacher evaluation domain.

If a teacher is placed in intensive support status, the evaluator shall establish the time period for the intensive support status and provide a written notice to the teacher that the teacher is placed in intensive support status. The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status. The timeline set by the evaluator for intensive support shall afford the teacher enough time to accomplish the goals and completed the assigned tasks.

Intensive support status shall not last for more than 2 consecutive semesters unless the teacher has substantially progressed and the evaluator elects to extend the intensive support status for up to 2 additional consecutive semesters. The evaluator shall work with the teacher to develop a clear set of goals and tasks that correlate to the professional growth plan and evidence-based research concerning the evaluation domain that forms the basis for the intensive support status; and to ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and complete the tasks assigned while the teacher is in intensive support status.

If the intensive support status is related to student performance, the teacher shall use formative assessments to gauge student progress throughout the period of intensive support status. The teacher shall be offered the support necessary to use formative assessments under these rules during the intensive support status.

At the end of the specified period of time for intensive support status, the evaluator shall evaluate whether the teacher has met the goals developed and completed the tasks assigned for the intensive support status and will provide written notice to the teacher that the teacher either is removed from intensive support status or has failed to meet the goals and complete the tasks of the intensive support status.

If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the executive director and provide the executive director with documentation of the intensive support status. Upon review and approval of the documentation, the executive director shall recommend termination or nonrenewal of the teacher's contract.

This policy does not preclude an executive director from recommending the termination of a teacher's contract for any other lawful reason. Nothing in this policy shall be construed to limit the ability of WSPA to terminate any Employee's contract at all, nor shall anything in this policy limit the ability of any Employee to end his/her contract at will.

LEGAL REFERENCE:
A.C.A. § *6-17-2801, et seq.*
Arkansas Department of Education Rules Governing the Teacher Excellence and Support System

DATE ADOPTED: 01/14/2022

5.33 Travel and Expense Reimbursements

Employees are required to obtain prior approval from the Executive Director for school and employment related travel that may result in reimbursable expenses. Employees shall be reimbursed for travel expenses arising from the performance of duties within the scope of his/her employment, conducting official school business, or attending school-related functions. Requests for reimbursement must be submitted to the Direct Report or his/her designee within 30 calendar days and must be accompanied by clear and legible original receipts. Copies of receipts will not be accepted. WSPA does not reimburse alcohol and entertainment purchases.

LEGAL REFERENCE:
A.C.A. § 6-21-303(b)(1)

DATE ADOPTED: 01/14/2022

5.34 Workplace Injuries and Workers' Compensation

WSPA provides Workers' Compensation Insurance, as required by law. Employees who sustain any injury at work must immediately notify his/her immediate Direct Report, or in the absence of his/her immediate Direct Report notify the Executive Director. An injured Employee must fill out an incident form and the Employee's Direct Report will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment nor lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All Employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, WSPA will exercise its right to designate the initial treating physician and an injured Employee will be directed to seek medical attention, if necessary, from a specific physician or clinic. In addition, the Employee may be required to submit to a drug test, which shall be paid at WSPA's expense. Failure for the Employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker's compensation benefits, and may result in termination of the Employee.

A Workers' Compensation absence may run concurrently with FMLA leave when the injury is one that meets the criteria for a serious health condition. To the extent that Workers Compensation benefits and FMLA leave run concurrently, the Employee will be charged for any paid leave accrued by the Employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the Employee for the Workers Compensation injury certifies the Employee is able to return to a "light duty job," but is unable to return to the Employee's same or equivalent job, the Employee may decline the WSPA's offer of a "light duty job." As a result, the Employee may lose his/her workers' compensation payments, but for the duration of the Employee's FMLA leave, the Employee will be paid for the leave to the extent that the Employee has accrued applicable leave.

Employees who are absent from work at WSPA due to a Workers' Compensation claim may not work at a non-WSPA job until they have returned to full duties at his/her same or equivalent WSPA job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an Employee who has been cleared by his/her doctor to return to "light duty" but WSPA has no such position available for the Employee and the Employee's second job qualifies as "light duty."

To the extent an Employee has accrued sick leave and a Workers' Compensation claim has been filed, an Employee:

- Will be charged for a day's sick leave for all days missed until such time as the WC claim has been approved or denied;

- Whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits, to bring the total amount of combined income up to 100% of the Employee's usual contracted daily rate of pay;

- Whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence hat is not necessary to have brought the total amount of combined income up to 100% of the Employee's usual contracted gross pay.

LEGAL REFERENCE:
Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE
A.C.A. § 11-9-102
A.C.A. § 11-9-508(d)(5)(A)
A.C.A. § 11-9-514(a)(3)(A)(i)

DATE ADOPTED: 01/14/2