

**PERSONNEL**

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**SECTION G**

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**PERSONNEL**  
**GA POLICIES**  
**ALL EMPLOYEES**

<b>POLICIES FOR ALL EMPLOYEES</b>	<b>GA</b>
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Written personnel policies for all licensed/classified personnel are intended to be a guide for present and future employees of the Biloxi Public School District. These policies will establish the rules which govern the employee and the employer and are designed for the most efficient operation of the school system, covering conditions of employment, promotions, work schedules, office hours, sick leave, vacations, and retirement.

Morale and other factors that create an efficient, smooth running organization will be greatly enhanced by a thorough knowledge of these policies. The Board of Trustees of the Biloxi Public School District desires that each person be fully cognizant of his/her responsibilities in the overall educational program of the district.

All licensed/classified employees of the Biloxi Public School District are expected to be thoroughly familiar with and actively support the enforcement of all Board of Trustees' policies and procedures, rules and regulations of the Superintendent of Education, and rules as set forth by principals and/or immediate supervisors and in school handbooks. Policies beginning with GA coding are applicable to all employees; GB, to licensed employees; and GC, to classified employees.

**EQUAL OPPORTUNITY EMPLOYMENT - ALL EMPLOYEES**

**GAAA**

The Biloxi Public School District is in compliance with Title VI and Title VII of the Civil Rights Act of 1962, Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act or other state or federal guidelines applicable to equal opportunity employment. The Biloxi Public School District's policy assures that no one shall on the grounds of race, color, age, religion, disability, national origin, or sex be subjected to discrimination in employment practices.

The Board of Trustees of the Biloxi Public School District has the power and authority to select all school district personnel in the manner provided by law and to provide for such employee fringe benefit programs as may be deemed necessary and appropriate by the Board. Section 37-7-301 (p) (1993)

The Superintendent of the school district shall have the power, authority and duty to enter into contracts in the manner provided by law for each assistant superintendent, principal and teacher of the public schools under his supervision, after such assistant superintendent, principal and teachers have been selected and approved in the manner provided by law. Section 37-9-14 (2) (a) (1999)

On or before April 1 of each year, the principal of each school shall recommend to the Superintendent or his/her designee of the Biloxi School District the licensed employees or noninstructional employees to be employed for the school involved except those licensed employees or noninstructional employees who have been previously employed and who have a contract valid for the ensuing scholastic year. If such recommendations meet with the approval of the Superintendent, the Superintendent shall recommend the employment of such licensed employees or noninstructional employees to the local School Board, and, unless good reason to the contrary exists, the Board shall elect the employees so recommended.

#### **Criminal Records/Child Abuse Registry Check**

The Superintendent shall require that current criminal records background checks and current child abuse registry checks are obtained, and that such criminal record information and registry checks are on file for any new hires applying for employment as a licensed or nonlicensed employee at a school not previously employed in such school under the purview of the Mississippi Board of Education or such local school district prior to July 1, 2000. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check. The fee for such fingerprinting and criminal history record check shall be paid by the applicant, not to exceed Fifty Dollars (\$50.00); however, the Mississippi Board of Education or the School Board of the local school district, in its discretion, may elect to pay the fee for the fingerprinting and criminal history record check on behalf of any applicant. Under no circumstances shall a member of the Mississippi Board of Education, superintendent/director of schools under the purview of the Mississippi Board of Education, local school district superintendent, local School Board member or any individual other than the subject of the criminal history record checks disseminate information received through any such checks except insofar as required to fulfill the purposes of this section.

If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible to be employed at such school. Any employment contract for a new hire executed by the Superintendent of the Biloxi School District or any employment of a new hire by a superintendent/director of a new school under the purview of the Mississippi Board of Education shall be voidable if the new hire receives a disqualifying criminal record check. However, the Mississippi Board of Education or the School Board may, in its discretion, allow any applicant aggrieved by the employment decision under this section to appear before the respective Board, or before a hearing officer designated for such purpose, to show mitigating circumstances which may exist and allow the new hire to be employed at the school. The Mississippi Board of Education or local School Board may grant waivers for such mitigating circumstances, which shall include, but not be limited to: (a) age at which the crime was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the children at the school.

No local school district or local school district employee or members of the Mississippi Board of Education or employee of a school under the purview of the Mississippi Board of Education shall be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this Section 37-9-17.

**Nepotism and Conflict of Interest**

It shall be illegal for any superintendent, administrative superintendent, principal or other licensed employee to be elected by the School Board if such Superintendent, administrative superintendent, principal or licensed employee is related within the third degree by blood or marriage according to the common law to a majority of the members of the School Board. No member of the School Board shall vote for any person as a superintendent, administrative superintendent, principal or licensed employee who is related to him within the third degree by blood or marriage or who is dependent upon him in a financial way. Any contract entered into in violation of the provisions of this section shall be null and void. Section 37-9-21 (1997)

LEGAL REF.: MS CODE as cited

CROSS REF.: Policies CA - General School Administration Goals and Objectives

GBC - Recruitment - Hiring - Certified Employees

CGE - Administrative Personnel Assignment

Ref: §37-9-17, MS Code of 1972, amended.

Adults who have contact with children and adolescents through school activities have the responsibility not to betray or misuse their privileged position and shall never take advantage of students' vulnerability or of their confidence.

It is the policy of the Board of Education to prohibit any sexual relationship, contact or sexually nuanced behavior or communication between a staff member and a student, while the student is enrolled in the school system. The prohibition extends to students of the opposite sex or the same sex as the staff member, and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

### **Staff Guidelines for Non-Fraternization**

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines:

1. Staff member shall not make derogatory comments to students regarding the school and/or staff.
2. Staff member shall not exchange gifts with students.
3. Staff-sponsored parties, at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not text students nor participate in any student blogs in a manner considered private or on a one to one basis. If the staff member has a school related need to communicate with a student or a group of students via electronic communication, they must include another staff member such as their employment supervisor, assistant coach, assistant principal or athletic director. When the staff member is using a one way communication app or software such as Remind, the staff member shall make written notification to their employment supervisor of such use.
6. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involved the presence or use of tobacco, alcohol or drugs.
7. Staff members shall not date students. Sexual relations with students, regardless of age and/or consent, are prohibited and will result in dismissal and criminal prosecution.
8. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
9. Staff members shall maintain a reasonable standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities.
10. Staff members shall not send students on personal errands.
11. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
12. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but instead should refer the student to appropriate school personnel or agency for assistance, pursuant to law and Board policy

13. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental and physical health and/or family background.

Established relationships of staff members who are family members, neighbors, or who have similar relationships with a particular student will not be considered a violation of the prohibitions listed above as Staff Guidelines 2, 3, or 4 so long as the fraternization is not unduly familiar given the nature of the relationship.

### **Social Networking**

All employees, faculty and staff of this school district who participate in social networking websites or Apps such as, but not limited to, MySpace, Facebook, Snapchat, Twitter, Instagram, etc. shall not post any data, documents, photos or inappropriate information on any website that might result in a disruption of classroom activity. The determination of appropriateness will be made by the Superintendent or his designee.

Employees, faculty and staff shall not give social networking website passwords to students. Non-School Related Fraternization via the Internet between staff members and students is prohibited and violation of any of these policies may result in disciplinary action, up to and including termination.

Access of social networking websites for personal use during school hours is prohibited.

Nothing in this policy prohibits employees, faculty, staff or students from the use of educational websites.

### **Annual Reminder to Staff**

The Superintendent and/or the school principals will annually remind staff members and orient new staff members concerning the importance of maintaining a professional buffer when interacting with students. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

1. Improper fraternization with students using Apps, Facebook and similar Internet sites or social networks.
2. Inappropriateness of posting items with sexual content.
3. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol.
4. Examples of inappropriate behavior from the district, as behavior to avoid.
5. Monitoring and penalties for improper use of district computers and technology.
6. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

### **Periodical Searches**

The Superintendent or his/her designees may periodically conduct Internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and/or websites is discovered, the Superintendent and/or his/her designee shall download the offensive material, properly preserve the material evidence, and promptly take proper administrative action.



To meet the comparability requirements contained in Title I Assurances, it shall be the policy of the Biloxi Public School District to adhere to the following:

1. Maintain equivalency among schools in the allocation of teachers, administrators, and auxiliary personnel.
2. Maintain equivalency among schools in the provision of curriculum materials and instructional supplies.
3. Maintain a district-wide salary schedule.
4. Allocate all resources to schools on an equitable basis based upon the projected student enrollment for the ensuing school year, the grade level of the school, the unique needs of the specific school community and the instructional program to be served.

The superintendent or his or her designee shall develop procedures for compliance with this policy and shall maintain records that are updated biennially documenting the district's compliance with this policy.

**TITLE FUNDS – PAYMENT OF SERVICES PROVIDED TO PRIVATE SCHOOLS**

**GABF**

The Biloxi Public Schools District recognizes the obligation to provide services to private schools within the school district as defined under the federal program regulations. It will be the policy of the school district to maintain public control of federal funds as prescribed in Section 1120 (d). Therefore, all payments will be disbursed by the school district directly to suppliers for materials, equipment, or services.

<b>STAFF DECISION MAKING/STAFF-COMMUNITY RELATIONS - ALL EMPLOYEES</b>	<b>GAC</b>
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The Superintendent or his/her designee shall establish mechanisms which solicit regular input of community, students, and staff regarding policies, procedures, programs, and operations of the Biloxi School District. Such input will be considered for incorporation in the district's educational plan. The Board may request a summary of community input.

**ORIENTATION, KNOWLEDGE OF POLICIES AND PROCEDURES –  
RESPONSIBILITY FOR POLICY ENFORCEMENT –  
PRECEDENCE OF DISTRICT POLICIES - ALL EMPLOYEES**

**GACA**

All personnel of the Biloxi Public School District shall be thoroughly familiar with and actively support the enforcement of all district policies and procedures adopted by the Board of Trustees and/or established by the administration.

In the event that conflicts exist or appear to exist between district policies and state or federal regulations which do not have the force of law, district policies shall in all cases take precedence and be adhered to by all district employees.

**PROFESSIONAL DEVELOPMENT OPPORTUNITIES -  
PROFESSIONAL IMPROVEMENT - ALL EMPLOYEES**

**GAD**

The Board of Trustees encourages professional improvement for all personnel.

The Board of Trustees has established a program for professional improvement for the employees of the Biloxi Public School District. The administration shall involve professional staff in the program of supervisory services and inservice education and provide for continuous improvement of the educational program in the instructional skills necessary for the accomplishment of the educational goals.

The Superintendent of Education and/or his/her staff are charged with preparing a professional/staff development program directly related but not limited to the district's strategic plan. This program will be submitted to the Board of Trustees for review and approval, and a summary report may be presented at the request of the Board. Successful completion of the approved professional/staff development program shall be a consideration in making recommendations for continued employment. Each employee shall agree and obligate himself/herself to successfully complete on an annual basis the school district's professional/staff development plan, including attendance at week-end, summer, and/or after-school sessions as directed by the administration.

**SUICIDE PREVENTION EDUCATION IN-SERVICE TRAINING**

**GADAC**

The Board of Trustees recognizes the need for quality in-service training on suicide prevention education for all licensed teachers and principals. The Board directs the District administration to conduct such in-service training on suicide prevention education in order to achieve full compliance with Mississippi Code sections 37-3-101 and 37-3-103.

LEGAL REF.: MS CODE as cited

**CAREER DEVELOPMENT OPPORTUNITIES - ALL EMPLOYEES****GADB**

The School Board recognizes the statutory authority given to the superintendent in MS Code 37-9-14(2)(s) for reassignment of personnel as well as the statutory right of an employee so transferred to request such reassignment be subject to a review by the school board. Notification of any open positions (licensed and non-licensed) in the school district will be posted using the district website and district job application software. Open positions may be posted in the local media or with local employment agencies if needed. In-district open positions will be posted on the staff-only section or the personnel section of the district website.

Qualifications for positions should be clearly explained as applicable. Selection and assignment of personnel shall be without regard to race, religion, color, national origin, sex, age, or disability.

If a teaching vacancy or other vacancy in staff personnel occurs two weeks prior to the opening of school or during the school year, the administration may declare that an emergency situation exists and take immediate steps to fill the vacancy without regard to seniority and without formal notification of all personnel.



**ADVANCED DEGREES/NATIONAL BOARD CERTIFICATION**

**GADC**

- I. No employee of the Biloxi Public School District shall be reimbursed by the district for tuition costs incurred in the employee's work toward advanced degree(s).
- II. Tuition reimbursement for National Board Certification shall be limited to compliance with national and/or state requirements and is dependent on reimbursement funding being allocated from the MDE.

**FOR LICENSED STAFF****DEFINITIONS**

The following definitions shall apply for interpreting and executing this policy:

1. A “grievance” is a complaint by a bona fide licensed employee based upon an alleged violation of his/her rights under state or federal law or Board policy.
2. A “grievant” is a bona fide licensed employee who submits a grievance while holding a position within the Biloxi Public School District which requires a valid license issued by the Mississippi State Department of Education Commission on Teacher and Administrator Education, Certification and Licensure and Development.
3. The term “days” shall mean days on which licensed staff members are scheduled to work.

The Board of Trustees of the Biloxi Public School District encourages licensed employees to settle grievances informally if at all possible. The license employee and the principal or immediate supervisor should attempt to secure an equitable resolution to the grievance.

In instances where a licensed employee deems the attempt to reach an equitable resolution of the grievance with the principal or immediate supervisor is unsatisfactory after ample opportunity for consideration of the matter, the license employee must follow the grievance procedure set forth below.

An equitable resolution of the grievance is at all times the objective of the district. If a resolution acceptable to all concerned is reached at any step in the grievance process subsequent to the submission of the grievant’s written and signed statement, an appropriate entry shall be recorded to document the acceptable resolution of the grievance. The grievant may discontinue the grievance process at any step by providing written notification to the principal, immediate supervisor or the Director of Personnel.

**PROCEDURE FOR PROCESSING GRIEVANCES**Level One

1. All grievances, as defined above, must be presented orally to the principal or immediate supervisor within five (5) days of the act or omission complained of, and the principal/supervisor and grievant will attempt to resolve the matter informally.
2. If the grievant is not satisfied with the action taken or the explanation given by his/her principal or supervisor the grievant shall, within (5) days after meeting with his/her principal or supervisor, state in writing his/her specific grievance(s) and specific resolution requested. The written statement shall contain, in addition to the above, the time, place, and nature of the alleged act or omission and the state or federal law or Board policy violated. The statement must be signed by the grievant.
3. In the event the grievant does not submit to his/her principal or supervisor a written statement as required, his/her failure to do so shall be deemed as an acceptance of the informal decision rendered by his/her principal or supervisor.
4. Within five (5) days after receiving the grievant’s signed statement, the principal/supervisor shall send to the Director of Personnel a copy of the grievant’s statement, along with a statement from the principal or supervisor setting forth his/her response to the grievant and/or his /her decisions, as applicable. At the same time, the principal or supervisor shall also provide a copy of his/her written statement to the grievant.

5. In the event that a grievance is filed against one of the individuals named in the established procedures for hearing grievances, the step requiring a hearing by that individual may be eliminated and the appeal may be submitted to the next level, or the administration may substitute a district administrator to hear the grievance.

#### Level Two

1. Within ten (10) days after receiving the grievant's signed statement and the principal's signed statement, the Director of Personnel shall provide to both the grievant and his/her supervisor a written statement when he/she has reached a conclusion based on his/her findings.
2. The grievant or supervisory personnel may discontinue the grievance procedure at this step or choose to pursue it within five (5) days by notifying the Director of Personnel in writing of his/her decision to continue the grievance procedure.
3. If the Director of Personnel is not able to resolve the grievance to the satisfaction of the grievant and/or the supervisory staff member involved, the Superintendent of Education will begin consideration of the grievance no later than ten (10) days following receipt of the written statement by the grievant or the supervisor from the decision by the Director of Personnel. The Superintendent of Education shall notify the grievant of the date, time, and place upon which the matter will be considered by the Superintendent.
4. In the event the grievant does not personally attend the meeting scheduled by the Superintendent, his/her failure to attend shall be deemed as an acceptance of the written decision rendered by his/her principal or supervisor at Level One.
5. The Superintendent shall render a written decision to the grievant within five (5) days of the date upon which the matter was heard.

#### Level Three

1. If the grievance is not resolved to the satisfaction of the grievant at Level Two, or if the Superintendent does not render a decision within five (5) days, the grievant may file the grievance with the Board of Trustees. Written appeals shall be made through the office of the Superintendent.
2. With regard to staff grievances, the Board of Trustees reserves three basic rights: (1) it may elect not to hear the grievance and let the ruling of the Superintendent or the Director of Personnel stand; (2) it may elect to make a ruling based on available information but not provide a forum for the grievant to present his/her case; or (3) it may elect to provide a forum for the grievant to make a final argument prior to making a ruling in the matter.
3. The Board of Trustees shall have the right to review all prior written documents and records of the levels specifically involved in the grievance procedures leading to the appeal to the Board.
4. An employee involved in the final argument may be represented by legal counsel at the employee's own expense.
5. The meeting of the Board of Trustees hearing the final argument shall be held in executive session, and the Board shall not be bound by rules of evidence during the argument nor be required to follow established court procedures. The Board shall have the power to limit the argument and any related discussion.
6. A record of the final argument will not be made.
7. The district shall maintain a file of formal grievances and final disposition, and a copy of the final disposition of the grievance shall be kept in the individual's personnel file.

#### NON-LICENSED STAFF

The Board of Trustees of the Biloxi School District adopts the following grievance procedures for non-licensed employees.

#### DEFINITIONS

The following definitions shall apply for interpreting and executing this policy concerning non-licensed staff:

1. A “grievance” is a complaint by a bona fide non-licensed employee based upon an alleged violation of his/her rights under state or federal law or Board policy.
2. A non-licensed “grievant” is an employee holding a position of employment which does not require a valid license issued by the Mississippi State Department of Education Commission on Teacher and Administrator Education, Certification and Licensure and Development.
3. The term “days” shall mean days on which the non-licensed staff member is scheduled for work.

The Board of Trustees of the Biloxi Public School District encourages non-licensed staff members to settle grievances informally if at all possible. Work place and/or employment decisions which are perceived to adversely affect a non-licensed staff member may be addressed by the non-licensed staff grievance procedure outlined below.

#### PROCEDURE FOR PROCESSING NON-LICENSED GRIEVANCES

1. All grievances must be presented orally to the principal or immediate supervisor within five (5) days of the act or omission complained of, and the principal/supervisor and grievant are directed to attempt to resolve the matter informally.
2. If the grievant is not satisfied with the action taken or the explanation given by his/her principal or immediate supervisor, the grievant shall, within (5) days after meeting with his/her principal or supervisor, state in writing his/her specific grievance(s) and the specific resolution requested. The written statement shall contain, in addition to the above, the time, place, and nature of the alleged act or omission and the state or federal law or board policy believed violated. The statement must be signed by the grievant.
3. Upon receiving the written appeal, the immediate administrative supervisor shall schedule a conference with the grievant making the appeal within five (5) school or work days after receipt of the written grievance. Within five (5) school or work days after the conference is held, the immediate supervisor shall reach a decision, reduce the same to writing, provide a copy to the grievant and deliver a copy to the Director of Personnel. The decision will be hand delivered to the grievant making the complaint.
4. If the grievance is not resolved to the satisfaction of the grievant who submits a written grievance, an appeal may be made to the Director of Personnel in writing within five (5) school or work days after receipt of the decision by the immediate administrative supervisor. Within five (5) school or work days after receipt of the appeal, the Director of Personnel will schedule a conference with the grievant making the appeal. After a proper investigation, if necessary and within five (5) school or work days after the conference, the Director of Personnel of the school district will issue his/her decision in writing. The written decision will be hand delivered to the person making the appeal.
5. If either the grievant or the grievant’s immediate administrative supervisor is not satisfied with the written decision of the Director of Personnel, an appeal may be made to the Superintendent in writing within five (5) school or work days after receipt of the decision by the Director of Personnel. Within five (5) school or work days after receipt of the appeal, the Superintendent will schedule a conference with the person making the appeal and the Director of Personnel. After the conference, the Superintendent of the school district will issue his/her decision in writing. The written decision will be hand delivered to the person making the appeal.

The decision of the Superintendent shall be final.

**HARASSMENT (INCLUDES SEXUAL HARASSMENT)/STAFF PROTECTION/  
HARASSMENT/ABUSE/ASSAULT - ALL EMPLOYEES**

**GAEA**

Harassment of or by employees, in person or through written, telephone, or other communications, including but not limited to those acts which are sexual in nature, attempts to intimidate or harangue teachers or other employees, abusive, vulgar, or profane language directed toward an employee, physical threat or assault, etc., will not be tolerated by the Biloxi Public School District. In the event that such harassment occurs, the district will take appropriate action, including but not limited to filing of official complaints, seeking legal and law enforcement assistance, pursuing prosecution to the fullest extent permissible under the law, and termination of employment. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities and also to other members of the public.

In the event that an employee wishes to make a complaint in regard to sexual harassment, the employee will follow the procedures outlined in GAE - Staff Grievances.

It is the intent of the Board of Trustees to maintain an environment free of harassment of any kind. Therefore, explicit or implicit advances, requests for favors, or other verbal or physical conduct of an inappropriate nature amounting to or constituting harassment are prohibited. Any employee (or student) who considers such action as a threat, whether through submission or rejection, should report the action to the appropriate school authority. Further, inappropriate relationships between employees and students are prohibited whether consensual or nonconsensual. Inappropriate relationships between employees and students as defined by legal code shall be prosecuted to the full extent of the law.

A person guilty of simple assault, as defined by statute, upon a superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, or other individuals specified in state law while these individuals are acting within the scope of their duty, office, or employment shall be punished by a fine of not more than one-thousand dollars (\$1,000) or by imprisonment for not more than five (5) years or both. (Section 97-3-7, Mississippi Code, amended)

A person guilty of aggravated assault, as defined by statute, upon an individual named above shall be punished by a fine of not more than five-thousand dollars (\$5,000) or by imprisonment for not more than thirty (30) years or both. (Section 97-3-7, Mississippi Code, amended)

Also see GAE, JBP, JBPA, JCA, JCAA.

**GRIEVANCES - EMPLOYEES AND VISITORS -  
SECTION 504/AMERICANS WITH DISABILITIES ACT**

**GAEB**

Any person who believes that he/she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act may file a complaint pursuant to the procedures set forth below. A grievance may be filed to resolve any disputes arising under these laws. Filing a complaint will not subject the complainant to any form of adverse action, reprimand, retaliation or otherwise negative treatment by school district personnel.

1. Within five (5) days of when a complainant knew or should have known of discriminatory conduct, a complaint shall be given in writing to the school principal or Section 504/ADA Coordinator. The complaint shall describe specifically the time, place and nature of, and the participants in the alleged discriminatory acts. The Section 504/ADA Coordinator shall, within ten (10) days of receipt of the complaint, conduct or cause to be conducted a thorough investigation including questioning of all parties involved. After the investigation is complete, the Section 504/ADA Coordinator shall meet with the complaining party and give a full report of the findings.
2. If the grievance or complaint is not satisfactorily resolved at Step 1, the complainant shall have five (5) days to appeal the Step 1 findings to the Superintendent of Education or his designee. The complainant shall present his/her complaint in writing, describing specifically the reasons for his/her dissatisfaction with the results of Step 1. The Superintendent or his/her designee shall review all aspects of the complaint and complete an additional investigation if necessary. The Superintendent of Education and/or his/her designee shall respond to the complainant in writing within ten (10) days of receipt of the written appeal or when the investigation has been completed in its entirety.
3. If the complainant is not satisfied with the results of Step 2, the complaining party shall have five (5) days from receipt of the Superintendent's or his designee's decision to appeal the complaint to the Board of Trustees. The appeal shall be in writing, describing specifically the reasons for opportunity to present an oral statement to the Board before the Board makes its decision. The Board's decision shall be rendered within thirty (30) days after receipt of the appeal or when the investigation has been completed in its entirety.
4. The name and address of the 504 coordinator will be published annually.

**STAFF POLITICAL ACTIVITIES - ALL EMPLOYEES****GAHB**

The Board of Trustees of the Biloxi Public School District recognizes the fundamental rights and responsibilities of employees of the Biloxi Public School District, including the right to campaign for elective public offices and to hold elective or appointive positions as provided by state law.

The Board of Trustees requests the full cooperation of all employees of the school district in seeing that the orderly processes of education are carried out and that staff members are absent from their duties only when required to be absent because of illness or other matters covered under the policy governing leaves and absences.

The Board of Trustees may require any employee of the school system to resign when the seeking of public office conflicts with the performance of contracted duties. The Board of Trustees may require any employee of the school system to resign the day before taking office. Employees of the school system have the same rights and responsibilities to political activity as other citizens and are encouraged to participate. However, school employees have an additional obligation to the district that requires restraint and good judgment in their participation and shall not create the impression they are speaking for the Board of Trustees, for the school district, or for any other school district employee. Letters reflecting an individual's opinion shall not be written on district or individual school stationery.

The Board of Trustees prohibits the use of district facilities and/or grounds, logos, emblems, symbols or name for the promotion of partisan political activities.

Staff members shall not be permitted to personally assist with political campaigns in any manner during the work day or distribute campaign literature/flyers without loss of pay or personal leave and no encroachment on the time of the work day will be allowed for such campaigns.

The Board prohibits the expenditure of district, state, or federal funds for partisan political activity.

- (1) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher was in the performance of the teacher's official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his/her own expense, to hear the accusations and evidence against him/her; he/she may present evidence or testify in his/her own behalf.

The authority receiving any such charge or complaint against a teacher shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.

- (2) Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or well-being of the public.

This act shall take effect and be in force from and after July 1, 2001.

Ref: §97-37-7, MS Code of 1972, amended, §37-91



**GIFTS TO STAFF MEMBERS - GRATUITIES - ALL EMPLOYEES**

**GAJB**

The Biloxi Public School District prohibits the acceptance of gratuities and/or gifts (other than *de minimis* gifts) by members of the school staff from persons and/or firms or other organizations with the intent to directly influence any contract made or let by the district or in the proceeds or profits from sale or rental of any materials of any kind used in the school district.

**PERSONNEL RECORDS - TELEPHONE NUMBERS - ALL EMPLOYEES**

**GAK**

Each staff member of the Biloxi Public School District is required to have on file with the building principal/immediate supervisor and the personnel office his/her current home telephone number, an emergency telephone number, and current home address. Any change must be reported immediately to the building principal/immediate supervisor and the personnel office.

**SCHOOL TELEPHONES - ALL EMPLOYEES**

**GAKA**

School telephones are to be used for school business. School district employees that make personal long distance calls from school telephones will be required to reimburse the district for the cost of the phone call.

**SALARY DEDUCTIONS - WITHHOLDING - SOCIAL SECURITY -  
PARTICIPATION IN RETIREMENT SYSTEM - ALL EMPLOYEES**

**GAL**

Each payroll deduction not required by law must be approved by the Board of Trustees prior to implementation.

No solicitation for sales which would necessitate salary deductions will be allowed without prior approval by the administration.

Requests for payroll deductions must be made to the Superintendent of Education or his/her designated representative.

The Superintendent of Education or his/her designee will recommend approval or disapproval of the company and of each payroll deduction.

Any computer programming charge to implement a payroll deduction shall be reimbursed by the company to the school district.

All requests for payroll deductions by employees of the Biloxi Public School District or by organizations and/or businesses shall be submitted in writing to the Superintendent or his/her designee. The administration is authorized to request additional written information concerning requests for salary deductions.

A withholding statement from each employee must be in the office of Business Operations.

All employees are eligible for Social Security coverage through a contract with the State Public Employees' Retirement System. In accordance with this contract, employee participation is mandatory.

Employee participation is also mandatory -- with certain exceptions (information available through the business office) -- in the State Public Employees' Retirement System. Benefits available are specified in the retirement information available through the business office of the retirement system.

The Biloxi Teachers' Federal Credit Union is a federally chartered credit union; employees of the Biloxi Public Schools are eligible for membership. Employee participation is voluntary and payroll deductions have been authorized for employee convenience. Information can be obtained from the building representative, the principal's office, or the credit union office.

**TRANSFER OF RECORDS AND ASSETS - ALL EMPLOYEES**

**GAMB**

Upon the resignation, retirement or termination of school personnel, final salary payment shall be withheld until all records and assets in custody of that staff member are satisfactorily transferred to his/her successor or other designated person.

The professional status of staff members is reinforced by appropriate dress and appearance. Since students learn by example, it is important that employees serve as role models for students. Moreover, the community's attitude toward the school system and the education profession is related to the manner in which employees present themselves.

All employees shall exercise good judgment in their choice of appearance at work by dressing in a way that is appropriate to the situation and in a manner that will invoke a positive impression with students and the community. Such professional dress should promote a working and learning environment that is conducive to high student and staff performance. Inappropriate clothing, paraphernalia, grooming, jewelry, accessories, or body adornments that are in any way disruptive or potentially disruptive to the learning environment are prohibited.

Principals and other administrative supervisors are delegated the authority and bear the responsibility for ensuring compliance with this mandatory policy and are expected to counsel and/or discipline employees whom they supervise on professional appearance in conformance with this mandatory policy.

Faculty and staff must also follow the dress code of students and set exemplary example with the following additions/exceptions:

1. Clothing shall fit appropriately and all undergarments shall be concealed. Sheer or fishnet fabrics, halter tops, off-the-shoulder or low-cut tops, and bare midriffs are prohibited. In addition, tight or form-fitting clothing, such as leggings, tights, and spandex slacks, is considered unprofessional and therefore also prohibited.
2. The hair code standard shall be the same as those for students and this code shall be administered accordingly.
3. Skirts, dresses, and/or articles of clothing that are inappropriately short for working with or around students are not acceptable. Women's skirts should be of modest, professional length falling just above the knee. Skorts are not acceptable. Walking shorts will be permitted only as designated below.
4. Shoes are a part of professional dress and can project business attire. Shoes and/or sandals shall be worn, and shoes designed to be laced will be laced. Shoes with cleats, house shoes, flip-flops or other beach type shoes are inappropriate.
5. The wearing of jewelry items is permissible only to the extent that they are worn in a manner that is not likely to distract students or disrupt the educational process. For example, visible body piercing, including the wearing of nose rings, eyebrow rings, rings in the tongue or lips, is prohibited.
6. It is preferred that inappropriate tattoos should not be visible.
7. Other examples of clothing that are considered unprofessional and therefore prohibited are strapless tops, spaghetti-strapped tops, overalls of any fabric, T-shirts, tank tops, cargo pants, athletic wear, wind suits and jogging suits. The following denim items are prohibited: jeans, capris, skirts, and slacks. Sweat pants/sweat shirts may be worn only in the athletic or physical education environment. Shirts and blouses will be worn tucked in, unless designed to be worn outside the pants or skirt.
8. Only certain vocational shop teachers, bus operators, bus aides, custodial workers, school resource officers, technology, and maintenance workers may wear jeans/overalls. Jeans will not be worn other than on designated spirit days and will be worn with an appropriate spirit shirt. Jeans and walking shorts are permissible on field trips or system-wide approved days as set by the superintendent. Physical education teachers and coaches may wear appropriate coaching shorts during physical education classes and official practice sessions; these two categories of teachers are to be in appropriate staff dress while in a regular classroom or professional activities are being conducted. Bus operators and bus aides may wear walking shorts on the job.

To avoid interruptions to the instructional program, it is the policy of this school district that no electronic device shall be used in any school building or on any school grounds during the hours of regular classes (from the first bell in the morning until the bell ending the last class period in the afternoon) or while attending before-school and after-school detention, or while attending before-school and after-school tutoring or make up session for tests or other academic work, with the following exceptions: (a) district electronics devices used by administrative and supervisor personnel, and (b) electronic devices used with the express permission of the principal. A device with the power turned on shall be considered in use and in violation of this policy even if the phone or pager or other device is in silent mode or vibrate mode.

School personnel shall be allowed limited use of cell phones under the following guidelines: cell phones must remain off when students are present and may not be visible at any time students are present; cell phones may be used only in the absence of students, i.e. before/after school and planning period; cell phones may be used when there is an emergency situation involving the safety of students and/or staff.

Also see policy JGJ.



**COMPULSORY MEMBERSHIP IN PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM - ALL EMPLOYEES**

**GAN**

All personnel employed by the Biloxi Public School District shall be required to become members of the Public Employees' Retirement System of Mississippi, Inc., as required by law.

**INSURANCE - ALL EMPLOYEES****GAP**

Insurance recommended and approved by the Board of Trustees is available to personnel through payroll deductions. The terms of the individual policies dictate the minimum required hours of employment to qualify for coverage.

See policy DJCBE.

**COMPENSATION GUIDES - PREPARATION OF SALARY  
SCHEDULES - ALL EMPLOYEES**

**GAR**

The Superintendent shall present to the Board of Trustees, proposed schedules of salaries and wages for exempt and non-exempt personnel for the next fiscal year, together with a salary placement guide which shall include procedures and requirements for step placement in the salary scale and which may include the following:

1. The salary placement guide should be followed for all school personnel with the exception of licensed teaching personnel (teacher salaries are mandated by the state);
2. Initial salary placement is determined by the Superintendent of Education after receiving recommendations and/or input from the appropriate administrator;
3. Upon employment, the Superintendent will recommend the appropriate step placement to the Board of Trustees;
4. Step increases are based upon job evaluation;
5. Step increases are not automatic each school year;
6. Contract days are set by the Superintendent of Education and approved by the Board of Trustees;
7. Salaries for certified and exempt classified staff members shall be paid in twelve (12) monthly installments, except those exempt classified staff members employed prior to July 01, 2002. Staff members employed prior to July 01, 2002 may choose to be paid in twelve (12) monthly installments or twenty-four (24) bi-monthly installments.
8. Non-exempt classified staff members will be paid for hours worked based upon the Board approved pay schedule. Non-exempt classified staff members may choose to have their salary annualized. In order to have their salaries escrowed and annualized by the District, staff members must complete and sign the District's election form. The election form signed by the staff member will meet the requirements of Section 409A of the Internal Revenue Code (IRS). Section 409A is designed to protect the staff member's pay from being subject to certain additional taxes defined by the IRS as deferred compensation. Also, pursuant to Section 409A, once a staff member makes an election, the election must remain in place for the entire school year. The District will provide the election form to the staff member upon request.
9. All employees will be paid on a monthly basis, except those employed prior to July 01, 2002.

**CONTRACTS FOR PERSONNEL EMPLOYED LESS  
THAN FULL-TIME - ALL EMPLOYEES**

**GARA**

The following formula will be used to compute salary for less than full-time employment (for classroom teaching):

Personnel employed on less than a full-time basis shall receive pro rata salaries based on time spent in service to the schools. Prorated salary shall be recommended to the Superintendent of Education for final approval. The amount of salary to be paid and time to be spent per day shall be specified. Salaries shall be computed on a prorated hourly basis, based upon degree, verifiable experience, and state-approved license.

Personnel employed less than full-time must abide by all policies and procedures of the Board of Trustees of the Biloxi Public School District as would a full-time employee, which includes meeting all staff development requirements of the district.

Personnel assigned to the following summer activities shall be paid on a daily or hourly rate established by the Board of Trustees:

- A. Summer school staff
- B. Staff on special assignment, such as writing curriculum guides or staff development activities during summer months when said personnel are not under contract.

**PERSONNEL REFERENCE DISCLAIMER**

**GARAA**

All official personnel reference from the Biloxi Public School District shall be issued only by the Superintendent or his/her designee. No other employee of the Biloxi Public School District is permitted to give an official reference. References given by employees, other than the Superintendent or his/her designee, are unofficial personal references of the employee giving the reference and do not represent the Biloxi Public School District. The Biloxi Public School District makes no representation as to the completeness of accuracy of the information, unless the recommendation has been signed by the Superintendent or his/her designee.

Information supplied is provided in good faith that the information is complete, accurate, and up-to-date within the constraints of the law. Information is provided upon the condition that the organization receiving same will make its own determination as to an applicant's suitability for employment.

**SECTION I -- GENERAL INFORMATION -- ALL EMPLOYEES****Reporting of Absences**

Any employee who has been absent for any reason is required to report absences directly to his/her principal or supervisor or he/she will lose full pay for unreported absences. Non-exempt employees will request leave through the computerized time management system.

**Sick Leave**

Absences eligible for sick leave must be for illness of the individual staff member or for illness or death of a member of the current immediate family.

**Illness** Current immediate family includes the employee or the employee's or spouse's family whose title contains any of the following: spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, parent's siblings, son- or daughter-in-law. Child means a biological, adopted or foster child, or a child for whom the employee or spouse stood in loco parentis.

**Bereavement** Current immediate family includes the employee's or spouse's family whose title contains any of the following: spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, parent's siblings, son- or daughter-in-law. Child means a biological, adopted or foster child, or a child for whom the employee or spouse stood in loco parentis.

Leave may be granted to employees when eligible family members pass away. Bereavement leave will be deducted from the employee's sick leave. Employees may be granted up to three (3) days for bereavement of a current immediate family member. The current immediate family is defined previously in this policy.

The Staff Absence Report shall be used to report absences and must show the relationship between the school employee and the family member whose illness or death occasioned the absence.

**Accumulation of Leave**

For each employee who remains in the Biloxi Public School District, any unused personal leave above limits specified in policy and remaining vacation leave at the end of the fiscal year, as recorded in the payroll office, will convert to sick leave and be credited to the employee's sick leave accumulation in accordance with state law.

The payroll office will keep a record of the total number of leave days to which employees are entitled. Employees may inquire in the principal's office or in the payroll office about leave entitlement. It is the employee's full responsibility for keeping an accurate record of leave entitlement at any given time.

All unused leave time at the time of retirement (sick, personal, and vacation) may be added to accumulated leave in determining length of service for retirement purposes in accordance with state law.

**Absences That Require Prior Approval**

Absences for school business, personal leave, and vacations require the prior submission of the appropriate school form(s) requesting permission to be absent from regular job responsibilities. Approved school business leave shall not count against a person's accumulated leave time. Sick leave, personal leave, and vacation leave will be counted against accumulated time.

### **School Business Leave**

Approved absences for school business, as permitted under Board of Trustees policy will not result in loss of salary or of any leave benefits. All requests for school business leave shall be addressed to the principal or immediate supervisor and the Superintendent of Education or his/her designated representative and require written approval from these offices prior to the absence.

When a staff member is approved for school business leave and receives an honorarium for providing professional services, he/she will not lose benefits nor will he/she lose any salary, provided the honorarium is turned in to the payroll office. If the staff member chooses to retain the honorarium, only personal or vacation leave will be permitted for the time requested. School business leave will not be granted for professional services in which an honorarium is provided and retained.

### **Personal Leave**

At the beginning of the school year, each certified staff member and classified staff member that qualifies shall be credited with a minimum personal leave allowance of two (2) days of approved absences for personal reasons. The two (2) days of personal leave are included in the total yearly leave allowance for that school year. The certified employee and qualifying classified employee may accumulate a total of five (5) days for personal leave, if the employee remains employed in the same school district.

All personal leave days must be approved by the principal or immediate supervisor and/or the Superintendent or his/her designee.

Personal leave days may be granted with approval of the Superintendent of Education or his/her designee. Leave requests shall be presented at least five (5) school days in advance. When an extreme emergency prohibits advance written approval, the absence can be approved orally by the building principal or immediate supervisor, but the written request must follow within five (5) days of the date on which leave was taken.

The Superintendent of Education and/or the building principal or immediate supervisor have the authority to limit the number of approved personal days to 5% of any department staff on a given day.

In every case, personal leave days used will be charged against the staff member's accumulated leave benefits. If a staff member requests a personal leave day and has it approved by the principal or his/her immediate supervisor and it is subsequently determined by the business office that the staff member has previously used all personal leave days to which he/she is entitled, full pay shall be deducted for the absence.

### **Personal Days – Restrictions for Licensed Staff:**

Personal leave days cannot be taken the day before or the day after a school holiday or on the first or last working day of the contractual period or on the first or last day of a school term or during any statewide or district testing unless approved by the Superintendent or his/her designee. An absence on any of the preceding list of restrictive days is considered unauthorized. An unauthorized absence is subject to loss of pay for the restrictive day, suspension and/or termination.

Exceptions to the Restrictions:

1. Personal Leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee is being deployed for military service.
2. Personal Leave may be taken on a day previous to a holiday or a day after a holiday if an employee of a school district has either a minimum of ten (10) years of experience as an employee of that school district or a minimum of thirty (30) days of unused accumulated leave that has been earned while employed in that school district.



3. Personal Leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if , on the applicable day, the employee has been summoned to appear for jury duty or as a witness in court.

### **Administrative Leave**

Based on the issuance of a Proclamation of State of Emergency, the School Board may grant administrative leave with pay to licensed and qualifying non-licensed personnel. Such leave will permit the Superintendent and the School Business Administrator to implement the policy which permits payment of base wages and corresponding benefits. {MS Code, §25-3-92, §37-7-307}

### **Leave for Jury Duty**

#### **A. Legal Absences – Certified and Other Exempt Employees**

When an employee is absent from work as a result of jury service, he/she will not lose benefits nor will he/she lose any salary. Absences for jury duty must be recorded on absence forms as applicable.

Staff members who must appear in court under subpoena may do so provided that they use personal leave or miss only a short part of the school day (four class periods), returning immediately to their duties. Part-day absences must receive prior approval from the building principal, immediate supervisor, and/or Superintendent of Education or his/her designee.

#### **B. Legal Absences – Non-Exempt Employees**

Non-exempt employees will not be compensated for time spent as a result of jury duty service unless they return a form certified by the clerk of court which indicates the time they arrived and departed the court. Paid leave will be awarded up to forty (40) hours upon certification of the clerk of court in one fiscal year (July 1 – June 30). Non-exempt employees are expected to return to work upon release from the court. If a non-exempt employee is subpoenaed to court in order to testify on a school-related matter and is performing work for the school district, the employee shall record the time on a time sheet and the supervisor shall sign the time sheet indicating that the employee was performing job duties. This time sheet shall then be forwarded to the Business Office to be added to the pay records. All other court appearances shall be unpaid pursuant to the general absences policy of the district

### **Military Leave of Absence**

The Biloxi Public School District shall comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended by the Veteran's Benefits Improvement Act of 2004, which, among other things, removes the distinction between active service personnel and reserve personnel from the employer's perspective. Further, the Act prohibits an employer from denying "initial employment, reemployment, retention in employment, promotion, or any benefit of employment" to a person who is a member of or applies to be a member of the uniformed services, or who is performing, has performed, or has applied to perform services in a uniformed service.

Employees who are members of any of the reserve components of the armed forces of the United States or former members of the service of the United States discharged or released there from under conditions other than dishonorable, shall be entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they shall be ordered to duty to participate in training at encampments, field exercises, maneuvers, outdoor target practice or for their exercises for periods not to exceed fifteen (15) days during any calendar year. If an employee is called to reserve or guard duty of fifteen (15) days or less, no deductions will be made from the employee's salary or from accumulated sick leave or vacation time. However, such duty shall have prior approval of the Superintendent of Education.

Personnel may be granted a leave of absence, without pay, to fulfill other military requirements such as being called to duty by a reserve or National Guard unit, with said leave not exceeding one year except in time of war. Such leave

shall have prior approval of the Superintendent of Education. If possible, requests for military leave of absence should be submitted by March 1 of the school year preceding the absence or immediately upon notification. Any employee returning from military leave of absence will be placed on the salary schedule one step above that of the last full year of employment.

Any member of the staff who is an active reservist or member of the National Guard shall be required to make written request to the appropriate military authorities (with copy submitted to the office of the Superintendent of Education) to have short-term annual tours of duty scheduled during the summer months between regular school sessions. In the event that such short-term tours of duty must be scheduled during the school year, the reservist or member of the National Guard must request his/her commanding officer to submit a letter to the Superintendent of Education specifying the dates of such service and reasons for not rescheduling these dates. When appropriate leave is granted during the school year, leave will be classified by the school district as "other leave" and will not result in loss of pay. Notice of rights under the USERRA is posted at locations where other employment rights are posted.

Legal Ref.: MS Code, §33-1-21

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)  
Veteran's Benefit Improvement Act of 2004

#### **Absences for Less Than a Full Day**

Certified and exempt personnel who are absent more than one-half day will have one (1) full day of leave charged against their available leave. (See Section II for Certified Employees; Section III for Classified Employees.)

#### **Falsification of Statement or Reasons for Absence**

An employee's falsification of reasons for absence shall result in penalties as follows: Full loss of pay for the period of absence; entry on personnel record; recommendation for suspension or termination of employment. Any or all of these penalties may be applied in cases involving materially false statements by the employee as to reasons for absence.

#### **Absences Before or After Holidays**

If an employee is absent the day before or the day after a school holiday, a written statement from a licensed medical provider specifying diagnostic information verifying the necessity for the absence or substantiating statement regarding a death is required before the absence can be classified as a sick leave day. The substantiating written statement from the licensed medical provider, along with the Staff Absence Report, must be signed by the principal or immediate supervisor and submitted to the payroll office.

No personal leave shall be approved for the day before or the day after a school holiday unless approved by Superintendent or his/her designee. Please refer to Section I of this policy in regards to Personal Leave.

#### **Absences Resulting from On-The-Job Injuries (Workers' Compensation)**

In the event that an employee is injured on the job and must be absent from work because of a job-related injury occurring on the job, the employee shall be eligible for school district benefits in accordance with Workers' Compensation paid by the district. Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining or wrongfully withholding any benefit or payment under the state law is guilty of a felony and on conviction thereof may be punished by a fine not to exceed five-thousand dollars (\$5,000) or double the value of the fraud, whichever is greater, or by imprisonment not to exceed three (3) years, or by both fine and imprisonment. Family and Medical Leave will run concurrently with Workers' Compensation related absences.

#### **Medical Documentation of Absences**

Any employee claiming an absence by reason of illness at any time (even for the first absence) may be required at the

discretion of the administration to provide written substantiation of reasons for the absence at the employee's expense. A licensed medical provider's written statement providing specific diagnostic information verifying the necessity for the absence shall be used or required to substantiate the illness at the request of the building administrator. District policy permits administrative requests for such documentation at any time an employee is absent, without regard to the number of absences preceding or to consecutive absences.

The district has the right to require the employee to submit to an independent medical evaluation by a licensed medical provider for substantiation of the reasons for the absence.

### **Donating Leave to Another Employee**

Any school district employee may donate a portion of his/her unused accumulated personal leave or sick leave to another employee of this district who is suffering from a catastrophic injury or illness or who has a member of his/her immediate family suffering from a catastrophic injury or illness.

The law defines both catastrophic injury/illness and immediate family.

The donor employee shall notify the Superintendent (or his/her designee) and designate the employee who is to receive the leave and the amount of unused leave to be donated.

The maximum amount of personal leave that may be donated cannot exceed that which would leave the donor employee with fewer than seven (7) days of personal leave. The maximum amount of sick leave that may be donated cannot exceed 50% of the unused accumulated sick leave.

An employee must have exhausted all of his/her available leave before being eligible to receive any donated leave, including the ten (10) additional sick leave days granted under MS Code, §37-7-307.

Eligibility for donated leave shall be based upon review and approval by the District FMLA Committee. Donated leave cannot extend beyond the FMLA allowed time frame.

Before an employee may receive any donated leave, he/she must provide the Superintendent (or designee) with a physician's statement that states the beginning date of the injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date the employee will be able to return to work. Failure to complete the certification of Health Care Provider Form may result in the denial of leave under the Donated Leave Provisions. Retroactive donated leave will not be granted for any days prior to the date the Business Office is officially notified of the catastrophic injury or illness.

If the amount of leave that is donated is not used by the employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis.

**NOTE:** An employee considering donation of leave shall understand that the leave cannot be reacquired after it has been donated and used by the recipient; that donation of leave might affect retirement benefits in regard to carry-over leave; and that the leave is not available in case he/she needs it later. Also, the employee should note that State Code prohibits an employee from donating leave to another after tendering notice of separation for any reason or after termination. {MS Code, §25-3-95 (8) (j)}

### **Family and Medical Leave**

Due to the complexity of the Family Medical Leave Act (FMLA) and because it involves consideration of district leaves and absences policies and practices, along with American with Disabilities Act (ADA), the Fair Labor Standards Act (FLS), the Consolidated Omnibus Budget Reconciliation Act (COBRA), and parts of the Internal Revenue Code relating to group health plans and cafeteria plans, all federal anti-discrimination laws and applicable state laws, it is not practical to attempt development of a comprehensively detailed policy for the administration of the

FMLA. Each request for leave must be evaluated individually due to myriad combinations of circumstances and medical conditions that may have to be considered. The district will review regulations and guidelines of the FMLA while evaluating individual requests for leave under FMLA, and the school district's attorney should be consulted when there is uncertainty as to requirements.

The district shall be in compliance with posting and notice requirement of the act.

## I. GENERAL REQUIREMENTS

### A. Definitions:

1. "Eligible employee" - any employee who works for a school district employing more than 50 people within a 75 mile radius of the employee's work site and who has been employed for at least 12 months by the school district and who also has provided at least 1250 hours of service during the 12 months before leave is requested.
2. "Spouse" - a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized.
3. "Son or daughter" - biological, or adopted, or foster child, a step child, legal ward, or a child of a person standing in loco parentis under the age of 18, and children above the age of 18 who are incapable of self-care because of mental or physical disability.
4. "Parent" - biological parent or individual who had actual day-to-day responsibility for caring for a child ("son or daughter"), even if the individual does not have a biological or legal relationship to that child, to include a father as well as a mother. Note that an in-law does not meet the definition of parent.
5. "Serious health condition" - an illness, pregnancy, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider.

- B. Leave Requirement-Rolling Year Eligibility - An employee who meets the requirements listed above is eligible for twelve (12) work weeks for FMLA leave during the year, meaning twelve (12) work weeks per twelve (12) month period. The twelve (12) month period is not a calendar year but is a "rolling" year, which is measured twelve (12) months back from the date an employee schedules and/or uses any FMLA leave. Each time an employee uses FMLA leave, the remaining leave entitlement will be the balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months. FMLA leave can be applied retroactively. Any available leave must be taken concurrently.

## II. REQUIRED CERTIFICATION

- A. Eligible employees shall provide the Superintendent and/or his/her designee timely certification of a serious health condition for his/her own serious health condition or that of a family member. No leave period may begin without the approval of the Superintendent or his/her designee. No approval shall be granted by the Superintendent or designee without the required written notice/request and certificate. Once the district has received a request for leave under the FMLA, the district may provide the Certification of Health Care Provider Form to the employee for the employee's provider to complete and return to the district within fifteen (15) calendar days. Failure to complete the certification form may result in the denial of leave under the FMLA. It shall be the sole responsibility of the employee to notify the Business Office if the employee is going to be out three (3) or more days due to a medical condition.
- B. Failure to provide sufficient certification by the employee can result in disciplinary action leading to termination. The certificate is to include the following:

1. The date on which the serious health condition in question began;
  2. The probable duration of the condition;
  3. Appropriate medical facts regarding the condition, in writing from a licensed medical provider;
  4. A statement that the employee is needed to care for a spouse, parent, or child (along with estimate of the time required) or that the employee is unable to perform his/her functions, and, in the case of intermittent leave, the duration of treatment to be given;
  5. If the leave is requested due to the employee's own condition, a statement that he or she is unable to perform the functions of his or her job;
  6. Signature of a licensed medical provider.
- C. The school district may require at its own expense that a second opinion be obtained. In the event of conflicting opinions, the school district may pay for a third and final evaluation provided by a licensed medical physician.
- D. The school district may require subsequent written recertification on a reasonable basis, at the employee's expense.

### III. EMPLOYMENT BENEFITS PROTECTION

- A. An employee who completes a period of leave and has complied fully with the terms of this policy shall be returned either to the same position he/she had before the taking of leave or to a position which is comparable in pay, benefits, and other terms and conditions of employment.
- B. Taking of leave shall not result in the loss of any previously accrued seniority or employment benefits. Except for health benefits, no other benefits will accrue during the leave period.
- C. The Biloxi School District will continue to pay the same share of the cost of group health benefits as has normally been paid. The employee must continue paying for his/her share of the premiums (if applicable) as well as for coverage to continue.

The Biloxi School District shall not interfere with or restrain an eligible employee's right to exercise the provision of this policy.

#### **Military Leave Entitlements**

Eligible employees are entitled to two different kinds of leave as a result of either being in the military or having family members in the military:

- A. Eligible employees are entitled to up to twelve weeks of FMLA leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any Armed Forces or any reserve Armed Forces on covered active duty, and deployed to a foreign country, or has been notified of an impending call to covered active duty status. Qualifying exigencies may include any one or more of the following: 1) attending to issues arising from a short notice (seven days or less) of deployment, with FMLA leave entitlement lasting up to seven days from the notice; 2) attending certain military events; 3) attending certain childcare and school activities related to the military duty; 4) addressing certain financial and legal arrangements; 5) attending certain counseling sessions; 6) taking up to fifteen days to spend with a covered service member who is on short-term, temporary rest and recuperation leave; 7) attending post-deployment reintegration briefings; 8) taking care of the parent of a

military member where the parent is incapable of self-care; or 9) other activities agreed to by the agency and the employee. Eligible employees must provide notice of the need for such leave as soon as reasonable and practicable. This kind of leave may be taken intermittently or on a reduced schedule.

- B. Eligible employees may take up to twenty-six weeks of leave during a single twelve month period to care for a "covered service member" who is the employee's spouse, son, daughter, parent or next of kin (nearest blood relative or designated as such). A covered service member is a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Eligible employees may take this kind of leave intermittently, or on a reduced schedule, where medically necessary. This twenty-six week leave entitlement will include all other permissible FMLA leave.

Legal Ref.: MS Code, §37-7-307 Family Medical Leave Act of 1993

## **SECTION II -- CERTIFIED EMPLOYEES -- TECHNICAL SUPPORT STAFF**

### **Sick Leave and Personal Leave Entitlement -- Certified Staff Only**

CERTIFIED EMPLOYEES of the Biloxi Public School District will receive sick leave benefits and personal leave during the school year.

<u>Sick Leave</u>	<u>Personal Leave</u>	<u>Total</u>
8 days	2 days	10 days

An employee who begins work after the start date for his/her position, will have his/her yearly leave allowance prorated based on the remaining work days for that position.

Any unused portion of the yearly leave allowance (both personal leave and sick leave) shall be carried over to the next school year and credited to the certified employee in accordance with state law.

Upon retirement, any unused portion of the sick leave allowance shall be credited to the certified employee for retirement purposes as established by the State Department of Education. In addition, if a certified employee transfers from one school district to another school district within the state of Mississippi, any unused leave may be used for retirement purposes as authorized by state law.

For the first ten (10) days of absence of a licensed school employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such licensed employee the established substitute cost paid by the District. Thereafter, the regular pay of such absent licensed employee shall be suspended and withheld in its entirety for any period of absence during that school year. The District reserves the right to require documentation from a licensed medical provider verifying the cause of the employee's absence, prior to paying the employee for these 10 days of additional sick leave.

### **Certified Employees on Extended Contracts and Technical Support Staff**

All certified employees and technical support staff on extended contracts may add an additional one (1) day of sick leave for each month the contract extends beyond the regular contract period as follows:

200 day contracts	--	add one (1) additional day
215 day contracts	--	add two (2) additional days
230 day contracts	--	add three (3) additional days

**Certified and Technical Support Staff**

The following positions shall qualify for certified sick leave and personal leave entitlement provided to the certified staff of the Biloxi Public School District:

- Office Machine Repair Supervisor
- Technology Supervisor
- Maintenance Supervisor
- Food Service Supervisor
- Transportation Supervisor
- Transportation Mechanic Manager
- Transportation Training Supervisor
- Computer Systems Managers
- Assistant Director of Business
- Purchasing Specialist
- Chief of Police
- Police Officers
- Nurses\Occupational Therapist
- Social Workers
- Strength & Conditioning Coach
- Instructional Strategist

**School Business -- Restrictions**

Employees shall not be granted school business leave if their school site is involved in statewide or district testing or if the school district and/or individual schools involved require services of the employee(s) in monitoring or proctoring at those schools or during the testing period.

**Personal Leave**

Please refer to Section I of this policy in regards to Personal Leave.

**Vacation (Certified Employees and Other District Employees working 230 days or more.)**

Every certified employee who is working under a 230-day-or-more contract with the Biloxi Public Schools will be entitled to ten (10) days of vacation leave. Requests for vacation must first be approved in writing or through Tamis system by the immediate supervisor. Employees who begin working after the beginning of the fiscal year will be entitled to the pro-rata days of vacation for that fiscal year.

Vacation will be granted on July 1 for that school year and must be used by June 30 of that school year. Unused vacation time remaining on the expiration date will be credited to the employee's accumulated sick leave in accordance with state law. An employee who terminates employment will be allowed to take vacation prior to the termination day.

**Absences on First or Last Day of Contractual Period**

If an employee is absent on the first or last working day of the contractual period, a written statement from a licensed medical provider providing specific diagnostic information verifying the necessity for the absence is required before an absence can be classified as a sick leave day unless prior written approval is granted by the Superintendent.

**Substitute Teachers**

Teachers who are absent are required to inform the principal and/or his/her designee so that adequate arrangements may be made to secure substitute teachers. All arrangements for substitutes must be in accord with the policies of the Biloxi Public School District and the schools in which the teachers are employed.

A member of the absent teacher's family shall not be employed as substitute for that teacher.

**Absences for Less Than a Full Day**

Certified and exempt personnel who are absent more than one-half day will have one (1) full day of leave charged. One-half day will be charged for absences of one-half day from available leave. (Four class periods is the time which will be used to determine a half-day's absence.)

**All absences shall be deducted from accrued leave.**

**SECTION III -- NON-EXEMPT EMPLOYEES**

NON-EXEMPT EMPLOYEES of the Biloxi Public School District will be entitled to sick leave and personal leave as explained below. Non exempt employees shall begin their employment with the full amount of leave available to them at the beginning of the school year. (See "C" below, in compliance with state law.)

A. Entitlement

<u>EMPLOYEE</u>	<u>SICK LEAVE DAYS</u>	<u>PERSONAL LEAVE DAYS</u>	<u>TOTAL DAYS</u>
Less than 199 days	8	2	10
199 – 214 days	9	2	11
215 – 229 days	10	2	12
More than 229 days	11	2	13

The number of hours granted is based on the employee's regular work day.

B. Teacher Assistants -	<u>Sick Leave Days</u>	<u>Personal Leave Days</u>	<u>Total Days</u>
	8	2	10

The number of hours granted is based on the employee's regular work day.

An employee who begins work after the start date for his/her position, will have his/her yearly leave allowance pro-rated based on the remaining work days for that position.

**Personal Leave**

Please refer to Section I of this policy in regards to Personal Leave.

**Vacation**

Every classified employee who is working 230 days or more with the Biloxi Public Schools will be entitled to eighty (80) hours of vacation leave. Request for vacation must first be approved in writing or through Tamis system by the immediate supervisor. Employees who begin working after the beginning of the fiscal year will be entitled to the pro-rata days of vacation for that fiscal year.

Vacation will be granted on July 1 for that school year and must be used by June 30 of that school year. Unused vacation time remaining on the expiration date will be credited to the employee's accumulated sick leave in accordance with state law. An employee who terminates employment will be allowed to take vacation prior to the termination day.



**PERSONNEL - SUSPENSION - ALL EMPLOYEES**

**GAS**

The principal or other appropriate administrative personnel shall have the power to recommend the suspension, with or without pay, of employees under their supervision, once approval has been given by the Superintendent of Education or his designee, for failure to comply with school policies and procedures or requests of the administration.

The employee who is suspended shall have all the appeal rights as prescribed by state law.

**Section I**

An employee with a communicable disease should remain at home until the disease is no longer a threat to others. Cases of communicable diseases which might pose a threat to the health of the school or community should be reported to the health department by the principal. When concerned with a unique individual case, the welfare of all students and employees should be the prime consideration. Each such unique case will be resolved in consultation with the Mississippi State Department of Health and/or the individual's licensed medical physician. Principals shall require a statement from the employee's licensed medical physician or from the public health department for an employee returning to school after having a communicable or infectious disease.

**Section II**

Decisions regarding an employee infected with blood-borne diseases which may pose a threat to other students or faculty by virtue of a secondary infection that causes a medically recognized risk of transmission in a school setting shall be made on an individual basis with regard to the behavior, physical condition of the employee, and the expected type of interaction with others in the school setting. These decisions shall be made using the team approach, including the employee's licensed medical physician and/or public health personnel, and appropriate school personnel. In each case, risks and benefits to both the infected employee and to others shall be weighed. As conditions change, cases may be reevaluated. School personnel will closely monitor the employee's physical condition and make ongoing evaluations in consultation with licensed medical personnel, if deemed necessary.

**Section III**

All staff members shall use the following routine and standard procedures to care for or clean up after a student or employee has an accident or injury at school.

1. Blood, body fluid, or wastes emanating from ANY student or employee, including ones known to have a chronic infectious disease, shall be treated cautiously. Personnel caring for these persons and coming into contact with these fluids/wastes shall wear gloves. Hands must be thoroughly washed with soap and water for thirty (30) seconds after contact with these fluids.
2. Hand washing with a chlorine solution of one (1) part bleach and ten (10) parts water immediately after contact with a student is routinely recommended if physical contact has been made with the student's blood or bodily fluids. The bleach solution must be mixed daily to retain the disinfectant properties. The full strength original Clorox bottle must be labeled with the date it is opened and should be discarded after three (3) months.
3. Plastic or rubber gloves shall be worn when cleaning up blood spills or vomit or any body fluids. These spills shall be disinfected with a solution of chlorine bleach and water (1 part bleach to 10 parts water) or a comparable AIDS-killing germicide, and persons coming in contact with blood spills, vomit, or any body fluids or wastes must wash their hands immediately as directed above.
4. Blood-soaked items or items which have come into contact with body fluids or wastes shall be placed in leak-proof bags for return to parents for washing or further disposition.

<b>OUTSIDE EMPLOYMENT - TUTORING - ALL EMPLOYEES</b>
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<b>GAU</b>
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Outside employment that would interfere with proper discharge of professional responsibility or that is not in keeping with the dignity of the profession is discouraged.

Employees who tutor private students after school hours shall make written requests to secure approval in writing to the Superintendent of Education or his/her designee. Employees will not be permitted to use school facilities for private tutoring. Private tutoring shall at no time interfere with school meetings or take time from planning periods. Employees shall not be permitted to tutor privately for pay or other considerations those pupils who are in their own charge as employees of this district.

**SECTION I****ALCOHOL AND OTHER DRUG-FREE WORKPLACE CONTROLLED SUBSTANCES****ALL EMPLOYEES**

In accordance with the Drug-Free Workplace Act of 1988 (P.L. 100-690) the Biloxi School District prohibits the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance by school district personnel while on school grounds and/or property, during, before, or after working hours. (Controlled substances are defined in Schedules I through V of Section 202 of the Controlled Substances Act 21 U.S.C. 812.) In addition, the use and being under the influence of alcohol by school district personnel while on school grounds and/or property is prohibited. Also prohibited is the misuse of prescription drugs or being under the influence of such misuse during working hours, at school functions, and/or on school property.

"Workplace" is defined to mean any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off-school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

An employee found to be in violation of this policy shall be subject to suspension from his/her assigned duties by the Superintendent of Education, with a recommendation to the Board of Trustees for termination of employment. If the employee, in writing, requests a hearing before the Board of Trustees, a hearing shall be granted and shall be held within thirty (30) days of being suspended. The request for a hearing must be made within five (5) work days following the suspension and shall be made to the Superintendent.

Sanctions against employees, including nonrenewal, suspension, and termination shall be in accordance with prescribed school district administrative regulations and procedures.

**DENIAL OF LICENSE**

The State Board of Education, acting through the Commission, may deny an application for any teacher or administrator license if the applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having a similar effect, at the time of application for a license § 37-3-2(11)(c)

**SUSPENSION OF LICENSE**

The State Board of Education, acting on the recommendation of the Commission, may revoke or suspend any teacher or administrator license for specified periods of time if the teacher or administrator has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. §37-3-2(12)(d)

Dismissal or suspension of a licensed employee by a local School Board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the Commission and based upon the severity of the offense. §37-3-2(13)(a)

LEGAL REF.: MS CODE as cited  
21 U.S.C. 812

As a condition of employment, all employees will abide by the terms of this policy and will notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The Biloxi School District shall require that this written policy be provided to all employees to inform them of the district's intent to maintain a drug-free workplace. Posting of the policy throughout the district shall serve to meet requirements of this policy for notification of employees.

1. All employees are prohibited from being under the influence or in possession of drugs and alcohol while on duty or on school premises. All employees are prohibited from using illegal drugs, or prescription medication for which they do not have a proper prescription.
2. The sale, possession, transfer, or purchase of illegal drugs on school property or while performing school business is strictly prohibited. Such action will be reported to appropriate law enforcement officials and will result in recommendation for termination.
3. The use, sale, or possession of an illegal or non-prescribed drug or controlled substance while on duty is cause for immediate termination.
4. No prescription drug will be brought on school premises by any person other than the person for whom the drug is prescribed. Prescription drugs will be used only in the manner, combination, and quantity prescribed.
5. Any employee whose use of alcohol or illegal use of non-prescribed drugs results in excessive absenteeism, tardiness, poor work or an accident will be subject to discipline, including termination.
6. For the purpose of this policy, any employee testing positive for any illegal drugs or prescription medication for which he/she does not have a proper prescription shall be deemed to be using such drugs as prohibited by paragraph numbered "1" above.
7. Individuals being recommended for employment in safety sensitive positions of the district may be required to undergo drug screening testing prior to being submitted to the School Board for employment approval.
8. It shall be the policy of this school district to require tests for drugs and alcohol if there is reasonable suspicion that an employee while on duty or on school property is under the influence of these substances. This employee will be allowed to provide notice to the district of currently or recently having used prescription drugs prior to the time of the test.
9. Reasonable suspicion is defined under this policy as the belief by the district that an employee is using or has used drugs or alcohol in violation of the district's policy. Reasonable suspicion may be based upon the following, among other things:
  - a. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
  - b. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
  - c. A report of drug or alcohol use provided by reliable and credible sources which can be independently corroborated;
  - d. Evidence that an individual has tampered with a drug and/or alcohol test during his/her employment with the current company;
  - e. Information that an employee has caused or contributed to an accident while at work; and
  - f. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on school premises or while operating one of the school's vehicles, its machinery, or its equipment.

If there is reasonable suspicion that an employee is using or has used drugs or consumed alcohol in violation of the school district's policy, that employee will be required to submit to an alcohol and/or drug test. The Superintendent (or his/her designee) must approve in advance all suspicion testing.

Safety sensitive positions shall include those positions which involve the transportation of students; the preparation of food for consumption by students and employees; the construction, modification, and/or repair of facilities which involve the installation, repair, or removal of electrical components; the operation of school district service vehicles; and/or the operation of equipment of which the inappropriate operation would cause probable injury to the operator and/or person or persons in the immediate vicinity.

Drug testing required by this policy shall be provided by the school district, shall be of the extent normally considered appropriate for drug screening, and shall be conducted by qualified medical personnel using the services of a laboratory following guidelines approved for drug testing. Failure to submit to a required drug test will result in immediate suspension and recommendation for termination.

Any applicant whose drug screening test registers positive shall be provided the options below:

1. Withdraw the application for employment;
2. Produce doctor-verified proof of personal medical prescription for the drug in question, if the positive reading relates to a prescription drug of which the prescribed use would not impair the applicant's safe performance of duties on the job for which he/she is being considered;
3. Submit to a retest.

Any person whose drug screening test proves positive and who refuses to comply with an appropriate option among options 1, 2, and 3 from the section above or whose retest results prove positive, shall, if presently employed, be dismissed from further consideration for same.

Licensed personnel suspended, removed from employment, or not recommended for reemployment shall be afforded the provisions of Policy GBN (Nonrenewal of Licensed Employees -- Education Employment Procedures Law of 2001) and GBNA (Rules of Procedure Under the Education Employment Procedures Law of 2001). Any personnel suspended, removed from employment, or not recommended for employment shall be afforded the provisions of Policy GAE (Staff Grievances for All Employees).

## **SECTION II**

### **ALCOHOL AND OTHER DRUG TESTING OF EMPLOYEES COVERED**

#### **UNDER THE OMNIBUS TRANSPORTATION EMPLOYEE ACT AND**

#### **EMPLOYEES IN SAFETY-SENSITIVE POSITIONS AS DESCRIBED IN SECTION I**

The Biloxi School District, in accordance with the Omnibus Transportation Employee Act of 1991, and with the Laws of the State of Mississippi codified as Mississippi Code 1972, section 71-7-1 et seq., hereby establishes a policy for the testing of employees for alcohol and other drugs for all employees covered by Department of Transportation Regulations.

The purposes of this policy are as follows:

1. To maintain a safe, healthy working environment for all employees;
2. To maintain the highest quality educational program for our students by ensuring that no personnel of the district are users of illegal drugs or under the influence of alcohol or other drugs;

3. To reduce the number of accidental injuries to persons or property; and
4. To reduce absenteeism and tardiness and improve the quality of educational services.

Driver's License holders who drive school buses on a regular or substitute basis will be tested in accordance with the regulations of the Omnibus Transportation Act, including pre-employment and random alcohol and drug testing when required. Suspicion testing will be conducted when a supervisor observes an employee's action, behavior, or appearance that is characteristic of alcohol or drug misuse or when a suspicion exists as described in Section I of GAX. Post-accident testing will be conducted when a safety-sensitive employee is involved in an accident when there is suspicion that an employee is using or has used drugs or has consumed alcohol in violation of district policy.

#### **Notice To Employees**

1. You are hereby advised that the Biloxi School District has implemented an alcohol and other drugs policy and conducts a testing program pursuant to the Omnibus Transportation Employee Testing act and the Mississippi Code, sections 71-7-1 -- 71-7-33.
2. All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the district through its alcohol and other drugs testing program are confidential communications except under certain circumstances as allowed by the statutes.
3. An employee or job applicant shall be allowed to provide notice to the district of currently or recently used prescription or non-prescription drugs at the time of the taking of the specimen to be tested, and such information shall be placed in writing upon the employer's alcohol and other drugs testing custody and control form prior to initial testing.
4. All covered employees are required to have on file a signed "Consent Form" for Drug and Alcohol Testing. All regular and substitute bus drivers will receive information about the alcohol and other drugs testing program and the effects of alcohol and other drug abuse on health, safety and the work environment.

All employees shall be so notified.

LEGAL REF.:Omnibus Transportation Employees Act of 1991

**POSSESSION OF WEAPONS ON SCHOOL GROUNDS OR AT  
SCHOOL ACTIVITIES - ALL EMPLOYEES**

**GAZ**

The possession of a handgun or other weapon, including mace, pepper spray, stun gun, etc., on school premises or at any school-related activity by any employee of the district or any other individual, including those persons having permits for possession of such weapons, is prohibited. Employees in violation of this policy shall be immediately suspended without pay pending a hearing for termination of employment.

It is the responsibility of every employee to report to his/her principal or immediate supervisor or the person responsible for supervising a school event any knowledge of the possession of a handgun or other weapon on school premises or at any school-related activity by any individual. Appropriate steps shall then be taken to carry out the intent of this policy, including notification of police officials, so that persons in possession of such weapons promptly leave school premises or activities and/or are refused admittance to school buildings or events.

This policy is not meant to limit, in any way, the duty of any licensed and trained law enforcement officer to carry their issued firearm.



**SAFETY PROCEDURES AND EXPECTATIONS - ALL EMPLOYEES**

**GAZB**

Every employee of the Biloxi Public School District is expected to follow reasonable common-sense safety procedures and practices in his/her job performance. This expectation is to be maintained during the time spent on school grounds and/or involved in any school-related activities. Violation of commonly accepted safety procedures and practices may be cause for termination of employment.

**PERSONNEL**

**GB POLICIES**

**LICENSED EMPLOYEES**

**COMPENSATION GUIDES/CONTRACTS - LICENSED PERSONNEL**

**GBA**

All salaries of licensed personnel in the Biloxi School District shall be based on the uniform salary scale as approved by the Board of Trustees each year or as required to comply with state law or State Board of Education policy.

The signature of an employee on a contract represents good faith on the part of that employee to fulfill all the requirements set forth by the administration and the Board of Trustees. The administration may assign additional duties to employees, including but not limited to coaching, extracurricular activities, etc.

All licensed personnel except those excluded by action of the Board of Trustees shall be paid an annual salary based on the current official salary schedule which shall be published annually.

The salary of the Superintendent of Education is based on contractual arrangements with the Board of Trustees.

Salaries of all administrative and supervisory personnel including principals are based on evaluation of their performance and are established by the Superintendent of Education and approved by the Board of Trustees.

All salaries for personnel employed for the year in which the annual budget is approved are approved along with the annual budget by the Board of Trustees.

In accordance with State Board of Education policy governing computation of teaching experience and combination of teaching experience, under the authority granted in Section 37-19-1 (1), the policy of the Biloxi Public School District shall be as follows:

1. Teaching or administrative experience in state accredited public or private schools, grades kindergarten through twelve (12) inclusive, will be counted in determining teaching experience. Summer months of teaching will not be accepted as credit in computing teaching experience.
2. Teachers must complete the school year as explained above in order to receive credit for a full year of teaching experience. Any staff member who performs under a contract in excess of the regular nine (9) month school year as established by the school calendar must complete the regular nine (9) month school term as noted above to qualify for a year's experience. Parts of school years may not be combined to grant a year of credit, nor may summer school teaching be used in determining a year of teaching credit.
3. Verification of all previous experience, as defined above, must be in writing on forms provided by the Biloxi Public Schools. Compensation shall be based on the salary scale as adopted by the Board of Trustees of the Biloxi School district for each school year.
4. The number of days shall not exceed forty-five (45) consecutive school days during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. (MS Code, Section 37-151-5, as amended, 2004)
5. Teaching experience in state accredited public or private schools, junior/community colleges, and/or colleges and universities will be counted in determining teaching experience. Summer months of teaching will not be accepted as credit in computing teaching experience.

Before the first check is paid under a teacher's contract, the following must be on file in the office of the Superintendent or his designee:

- A. Completed application, together with not fewer than (5) reference evaluations.
- B. Valid/appropriate teaching certificate or notification of approval from Mississippi Department of Education Office of Educator Licensure.
- C. Verification of prior teaching experience (if applicable).
- D. Official college transcript(s) for all degrees earned.
- E. Written verification of all state-required examinations.

In cases where the teacher is unable to complete the school year, his/her contract pay will be computed for the number of days worked. The total number of days as stated on the contract will be divided into his/her total contract salary to obtain the daily rate. The daily rate will be multiplied times the number of days worked to arrive at the total salary earned. The product of the number of payments made times the monthly installment amount will be deducted from the total salary earned to determine any balance due to the teacher.

#### **Issuing Contracts - Licensed Employees**

Contracts shall be issued by the Board of Trustees of the Biloxi Public School District.

#### **Credit on Salary Schedule for Experience - Licensed Employees**

Credit on the salary schedule for teaching in the Biloxi Public School District shall be given on the basis of experience as allowed by the State Board of Education. (For credit for prior service and leaves of absence, see policies following.)

#### **Credit on Salary Schedule for Prior Service - Licensed Employees**

Upon the hiring of a new teacher, experience outside of the Biloxi Public School District will be granted for approved experience in accordance with the rules, regulations, and minimum standards of the Mississippi State Board of Education.

Creditable teaching experience or service as approved by the State Department of Education subsequent to being employed by the Biloxi Public School District will be included in prior service credit upon employment or re-employment.

#### **Terms of Contract for Personnel on Less Than 12 Months - Licensed Employees**

The election of all licensed personnel shall be for a specified number of days, and personnel shall work the time indicated in their contracts.

Terms of contracts vary. Personnel will be required to work the period of time deemed necessary by the Superintendent of Education, not to exceed the number of days approved by the Board of Trustees.

#### **Contracts for Personnel Employed Less Than Full-Time - Licensed Employees**

See policy GARA.

### **Release From Contract Licensed Employees**

Release from contract is conditioned upon ability to secure a fully qualified and licensed replacement for the position who meets all requirements of the Mississippi State Department of Education Office of Licensure for the position. Unless a satisfactory replacement has been secured, a release may not be granted. Once a contract has been signed, the employee cannot be released from his/her contractual obligations until officially released by the Board of Trustees.

(See Policy GBO.)

### **Compensation Guides and Contracts - Failure To Complete Contractual Responsibilities - Licensed Employees**

In cases where the teacher is unable to complete the school year, his/her contract pay will be computed for the number of days worked. The total number of days as stated on the contract will be divided into his/her total contract salary to obtain the daily rate. The daily rate will be multiplied times the number of days worked to arrive at the total salary earned. The product of the number of payments made times the monthly installment amount will be deducted from the total salary earned to determine any balance due the teacher.

**NEGOTIATION OF SALARIES WITH OUT OF STATE RETIREES**

**GBAAB**

The School Board of the Biloxi Public School District authorizes the superintendent of schools to negotiate the salaries of licensed employees employed after July 1, 2009, who are seeking employment with the Biloxi Public School District and who are drawing retirement benefits from the retirement system(s) of another state(s). The following stipulations concerning the negotiation shall apply:

1. The negotiated amount for full time employees shall not be at a pay rate higher than the rate of pay of the Biloxi Public School District's current local salary scale for in-state applicants;
2. The negotiated rate for full time employees shall not be less than fifty percent (50%) of the Biloxi Public School District's current local salary scale for in-state applicants; and
3. The negotiated amount must be approved by the school board before the issuance of a contract to the employee (s).

The above stipulations shall apply to part time employees on a pro rata time basis.

**CERTIFICATION REQUIREMENT - LICENSED EMPLOYEES**

**GBBA**

All instructional personnel shall be licensed in accordance with state law and the regulations of the Mississippi State Department of Education. Such certification and transcript of credits shall be on file in the personnel office prior to the issuance of the first salary check.

**DUTIES AND QUALIFICATIONS - PROFESSIONAL GROWTH -  
LICENSED EMPLOYEES**

**GBBAAA**

In the matter of certification, all licensed personnel will conform with the requirements of the State Department of Education. In addition, licensed personnel will meet all local requirements established by the Board of Trustees, including all staff development requirements.

All staff will be properly licensed in the area(s) in which they are serving.

- A. All administrators/supervisors will be properly endorsed for such assignment.
- B. All teachers will be properly endorsed for teaching assignments.
- C. In order to teach an additional subject for a minor portion of the day, a teacher must meet certification/accreditation requirements of the State Department of Education.
- D. Personnel in areas other than education must have the professional credentials and/or state license issued by their respective professional area(s) (nurse, psychologist, social worker, etc.).

Employment of teachers depends upon proper certification by the State Department of Education. Each teacher is recommended by the Superintendent of Education and elected by the Board of Trustees. A valid copy of the teacher's license must be on file in the personnel office.

A staff member who is employed by the Biloxi Public School District may not attend college or university classes on a regular basis during hours of employment without loss of pay unless requests have been made to and approved by the Superintendent or his/her designated representative.

Certified staff members who have completed all advanced degree requirements prior to the deadline date established by the State Department of Education for the current school year must have a copy of the advanced degree state license on file in the personnel office in order to be paid at the new classification for the said school year.

**TEACHERS - DUTIES - RESPONSIBILITIES - LICENSED EMPLOYEES****GBBAAB**

Each teacher shall know and actively support the enforcement of all Board of Trustees' policies and procedures of the Biloxi Public School District, the rules and regulations of the Superintendent of Education, and rules set forth by the principal and in the school handbook(s). (Also see Policy GBF.)

The teacher shall prepare lesson plans as directed by the principal, who shall supervise the planning process.

Teachers shall actively participate in departmental or grade level meetings and all required staff development training/programs.

Teachers shall serve on committees assigned by the administration.

Every teacher shall serve on duty in designated areas of the school campus as assigned by the building principal.

Each teacher shall provide for appropriate discipline in the classroom as determined by the school administration, in the school building, and on the school campus. (Also see JCD.)

The teacher shall make use of the administrative and/or guidance and counseling services of the Biloxi schools. Teachers shall study/analyze the results of standardized tests and other information regarding their students provided by the school district.

The teacher shall supervise co-curricular activities as assigned by the principal.

The teacher shall supervise all students in his/her charge at all times and shall in no case leave classes or students unsupervised. (Also see GBH.)

Teachers will be held responsible for the sets of textbooks assigned to their classrooms and under their supervision.

Each teacher is responsible for fixed assets in his/her assigned room/area. Any damage or missing assets are to be reported to his/her principal/supervisor.

Each teacher shall perform in a satisfactory manner all other duties as assigned by the school administration, including the carrying out of all professional/staff development responsibilities.

The classroom teacher should be provided with a period of time during the school day for instructional planning, either individual or departmental.

The work schedule of each teacher is determined by the building principal, including class assignments.

Teachers traveling from one school to another shall assume all duties assigned by building principals, including homeroom, lunch duty, morning or afternoon duty, or other assignments.

The teacher of any student who begins to do unsatisfactory work in his/her class shall notify the parent(s) in a timely manner by telephone, letter, notice, or other means and encourage the parent(s) to come to the school for a conference. Written documentation shall be maintained by the teacher to show compliance with this policy.

The teacher shall not eat or drink in the classroom or while on duty when students are present.

Also see Policy MK.



**TEACHERS - DUTIES - RESPONSIBILITY FOR DISCIPLINE -  
LICENSED EMPLOYEES**

**GBBAAD**

Each teacher shall be responsible for maintaining satisfactory discipline on the part of each student assigned to him/her and shall contribute to the good discipline of those students whom he/she observes during the working day who, for one reason or another, are not under the immediate supervision of another teacher. Included in this responsibility is the duty to plan classroom work and other activities so that students become engaged in their studies or activities immediately after the class begins. It is expected that student traffic during class periods will be held to an absolute minimum, with students leaving the room only in the event of emergencies that cannot wait until the break between class periods. Failure of the teacher to meet disciplinary responsibilities in a consistent manner in accordance with District policies and procedures will constitute grounds for dismissal. (Also see JD.)

**TEACHERS - DUTIES - LEAVING SCHOOL GROUNDS OR DUTY  
POSTS - LICENSED EMPLOYEES**

**GBBAAE**

Except in case of extreme emergency, teachers are expected to remain on the school grounds from check-in until check-out time and to remain in their classrooms during class sessions or on their duty posts for the entire assigned time. In the event an employee must leave their assigned school grounds, the employee must acquire permission to do so from their building principal or his/her designee.

**RECRUITMENT - HIRING - LICENSED EMPLOYEES**

**GBC**

See Policy GADB.

Also see LDDC (Compliance Policies) and GAAC (Personnel Hiring).

**EXTENDED CONTRACTS - ASSIGNMENTS DURING HOLIDAYS -  
LICENSED EMPLOYEES**

**GBEA**

Certified employees on extended contracts shall be subject to job assignments at the discretion of the Superintendent of Education during holidays and summer employment.

**COACHING/TEACHING/CO-CURRICULAR ACTIVITIES  
ASSIGNMENTS - LICENSED EMPLOYEES**

**GBEB**

**Coaching/Teaching Assignment**

**Resignation or Termination**

Coaching and co-curricular duties are considered part of the contract of employment signed by licensed employee. As a result, employees will not be allowed to resign from coaching and/or co-curricular duties and maintain his/her licensed position.

If a person is employed as a coach/teacher, he/shall not be permitted to resign from this assignment and retain the teaching position unless the extra assignment can be reassigned to another licensed teaching position.

If a staff member employed as both coach/teacher is not recommended for reemployment as a coach, the employee shall not be permitted to retain the teaching assignment unless the coaching position can be reassigned to another licensed teaching position. If a staff member employed as both coach/teacher is not recommended for reemployment as a teacher, his/her employment shall be terminated. These positions shall be considered inseparable in matters of staff reduction, recommendation for reemployment, and job termination.

**Reduction in Staff**

See Policy GBKA.

**Teaching/Co-Curricular Assignment**

Coaching and co-curricular duties are considered part of the contract of employment signed by licensed employee. As a result, employees will not be allowed to resign from coaching and/or co-curricular duties and maintain his/her licensed position.

If a person is employed in a teaching/co-curricular assignment as cheerleader sponsor, dance team sponsor, yearbook or paper staff sponsor, he/she will not be permitted to resign from this assignment and retain the teaching position unless the extra assignment can be reassigned to another licensed teaching position.

If a staff member employed as both teaching/co-curricular sponsor as noted above is not recommended for reemployment in the co-curricular assignment, the employee shall not be permitted to retain the teaching position unless the co-curricular assignment can be reassigned to another licensed teaching position. If a staff member employed as both teaching/co-curricular is not recommended for reemployment as a teacher, his/her employment shall be terminated.

**ORIENTATION, KNOWLEDGE OF POLICIES AND PROCEDURES –  
RESPONSIBILITY FOR POLICY ENFORCEMENT - LICENSED EMPLOYEES**

**GBF**

All licensed personnel of the Biloxi Public School District shall know and actively support the enforcement of all Board of Trustees' policies and procedures, rules and regulations of the Superintendent of Education, and rules set forth by the principal and in the school handbook(s).

Each principal shall be responsible for developing a teacher duty schedule so that every pupil will be under continuous supervision during the entire school day and at all school-sponsored activities so as to provide maximum safety and well-being for each student.

The school bell does not excuse students from the classroom. Each teacher shall give notice of dismissal and stand in the doorway of his/her classroom to supervise children as they pass in and out of the classroom and through the corridor.

Principals shall assign duty to teachers to insure proper decorum during the school day. It is expected that all teachers will correct any misbehavior at any time, regardless of assignment. Students are not to be excused from class for any reason except illness or emergency without permission of the principal.

**EVALUATION OF TEACHERS/ADMINISTRATORS -  
LICENSED EMPLOYEES**

**GBI**

A written evaluation of performance of all licensed staff members of the Biloxi Public School District should be in accordance with State Department of Education guidelines and requirements.

There shall be a written evaluation of the performance of the administrative personnel. A written evaluation of persons in administrative positions in an acting capacity shall also be made each year in accordance with State Department of Education guidelines and requirements.



**EVALUATION - RECOMMENDATION FOR CONTINUATION OF  
EMPLOYMENT - LICENSED EMPLOYEES**

**GBJ**

A report of the decision of the Superintendent of Education regarding recommendations for continuation of employment shall be presented to the Board of Trustees. (See GBN.)

A teacher observation instrument shall be employed which measures the level of competence in major instructional skills. A minimum level of competence for each teaching position shall be established at the school level. The minimum standard set by each school in the district shall not be less than the minimum required by the Commission on School Accreditation.

An observation instrument shall be utilized for student support personnel which measures the level of competence of said personnel in implementing major student support skills. These behaviors shall include the development and implementation of a student support program which addresses student and instructional program needs. They shall further provide for individual and group counseling with students and consultation by parents, teachers, administrators, and agency personnel.

Evaluation shall be an ongoing process by the building principal, immediate supervisor, and/or administrator to whom the employee reports.

An observation instrument shall be employed for library media specialists which measures demonstrated skills in organization and administration of library media resources of the school and support of the instructional program of the school. The observation instrument shall measure the extent to which the media specialist has established the media program as an integral part of the total instructional program. The following items will be used as indicators of the acceptable performance and shall be a part of the measurement instrument:

1. Demonstrates a pattern of regular involvement in instructional planning with administrators and teachers of the school.
2. Serves as resource person in curriculum development and implementation by coordinating purchases with instructional needs and objectives and coordinating instructional television services in such a manner as to complement the instructional management program in the school.
3. Contributes to the development of needs and short or long-range goals for the total school program.
4. Consults with and employs teachers' input in selecting and purchasing materials, books, and audio-visual supplies and equipment.

See GBN, GBNA.

Displacement of personnel shall be undertaken on a school by school, department by department, and program area by program area basis. This position is based on the reality that the hiring of staff within a particular school or department ordinarily originates with the building principal, department head, or program director, who is aware of the particular needs, personalities, atmosphere and characteristics of the school, department, or program area. As used herein, a "program area" shall be defined as a field of study or subject area such as English, math, science or social studies. An employee in a teaching position in which a majority of teaching time devoted to a specific field of study or subject area shall be deemed to be in that program area (for example: an employee teaching four (4) English and two (2) Social Studies shall be deemed to be in the English program area). All elementary teachers will be classified dependent upon licensing qualifications. In choosing which program or programs will be affected by displacement, the Superintendent or his designee (with the aid of the principal of all schools directly affected), shall make that determination by considering the length of continuous service of the teachers in the program, the certification of the teachers, and whether the termination of the employee would affect any judicial decrees. Performance evaluations, academic qualifications, attendance, punctuality, professional development, proficiency in use of technology and professional contributions to the school program and/or school system will also be criteria for decision making. In the event the circumstances require a reduction in force in more than one school, it shall be the responsibility of the Superintendent or his designee to select the schools in which the reduction in force should take place, unless the circumstances demand that all of the schools in the system be included within the plan. The superintendent shall, also, have the power and authority to designate selected positions within a classification (program area) as having "protected status" in order to maintain vital programs, function and/or services. "Protected status" would be exempt from the reduction in force process.

- a) School or schools shall be selected for the application for the reduction in force based upon the circumstances.
- b) A program for reduction in force shall be selected (for example: Special Education, Libraries, and English).
- c) Program needs by grade level and subject area shall have precedence over any other consideration. The primary consideration is to provide qualified, certified teachers in each position of every grade level determined as essential for the school system.
- d) Seniority will be a consideration in the retention of a teacher. However, seniority alone will not assure an employee of continued employment. The following criteria shall be used to determine who is to be released (not necessarily in the order listed):
  - Type of certification held (i.e. A, AA, AAA, and National Board Certified).
  - Areas of certification (i.e. math, English, elementary art)
  - Performance appraisal
  - Attendance
  - Punctuality
  - Professional contribution to school/school system
  - Professional development
  - Letters of commendation or congratulation, awards, etc
  - Proficiency in use of technology
  - Letter/notes of reprimand/caution/reminder
  - Years of experience in Biloxi Public School System (up to ten {10} years).
  - Total years of experience teaching in affected program/subject in full years (maximum of three {3})

When it becomes necessary to transfer teachers/certified employees affected by a reduction in force or due to the uneven distribution of enrollment in schools, the following procedures will be observed:

- a) The Superintendent or his designee will form a committee of the Director of Personnel and two elementary principals when the certified employee is an elementary level employee or two secondary principals when the certified employee is a secondary level employee. Transfers involving a certified employee of the specialized programs a committee will be formed by the Director of Personnel and the head of the department.
- b) The committee will determine which employee will be transferred from the school/program affected by reduction in force or the uneven distribution. The committee will make its decision based on who will contribute more effectively at each school/program.
- c) The Director of Personnel will notify the individual selected, of the reassignment. The Director of Personnel will make accommodations with both principals/administrators for a smooth transition from one assignment to another.

**VOLUNTARY TRANSFERS - LICENSED EMPLOYEES****GBMC**

Any licensed staff member or instructional assistant who wishes to request a change in building, grade level or subject assignment, or position shall notify, in writing, the personnel office, through his/her building principal or immediate supervisor.

Requests for transfer may be placed on file at any time; however, voluntary transfers are approved at a time best determined by the administration.

1. Voluntary transfers must have the recommendation of both the releasing and the receiving administrator, together with that of any other administrator(s) involved in the staffing process.
2. District goals related to the instructional program will serve as the primary criteria in granting transfer requests as determined by the building principal.
3. Certification for specific grade levels to meet specific subject requirements will be mandatory.
4. Seniority shall not be a criterion in the consideration of voluntary transfers.

The staff member shall be notified if transfer request has been approved only after the approval of the releasing and the receiving administrator/supervisor and the central office administrator responsible for staffing practices and procedures.

**NONRENEWAL OF LICENSED EMPLOYEES - EDUCATION EMPLOYMENT  
PROCEDURES LAW OF 2001**

**GBN**

The Biloxi Public School District shall adhere to requirements of the Education Employment Procedures Law of 2001 in regard to nonrenewal of licensed education employees, in conformance with the intent of the Mississippi Legislature to establish procedures:

To provide for accountability in the teaching profession; to provide a mechanism for the nonrenewal of licensed education employees in a timely, cost-efficient and fair manner; to provide public school employees with notice of the reasons for not offering an employee a renewal of his/her contract; to provide an opportunity for the employee to present matters in extenuation or exculpation; to provide the employee with an opportunity for a hearing to enable the Board to determine whether the recommendation of nonemployment is a proper employment decision and not contrary to law and to require nonrenewal decisions to be based upon valid educational reasons or noncompliance with school district personnel policies. It is the intent of the Legislature not to establish a system of tenure.

Employees in this policy shall include any teacher, principal, superintendent or other professional personnel employed by the district for a continuous period of two (2) years with the district and required to have a valid license issued by the State Department of Education as a prerequisite of employment; or any teacher, principal, superintendent or other professional personnel who has completed a continuous period of two (2) years of employment in a Mississippi public school district and one (1) full year of employment with this district of current employment and who is required to have a valid license issued by the state Department of Education as a prerequisite of employment.

If the Board of Education makes a preliminary determination not to offer the school district Superintendent a renewal contract for a successive year, written notice of the preliminary nonreemployment determination must be given to the Superintendent before February 1.

In the event that a recommendation is made by the school district not to offer an employee a renewal contract for a successive year, written notice of the proposed nonreemployment stating the reasons for the proposed nonreemployment shall be given by the Superintendent, without further Board action, on or before March 1 to a principal and on or before April 15 to a teacher, administrator or other professional educator covered under Sections 37-9-101 through 37-9-113 of Mississippi Code of 1972, amended.

Any nonreemployment decision of the Biloxi Public School District shall be rationally related to a valid educational reason or noncompliance with school district personnel policies and not arbitrary and capricious or based upon some constitutionally impermissible reason such as race, sex, religion, handicap, or exercise of First Amendment rights.

The Superintendent, principal, or other licensed educator as defined in Section 37-9-104 receiving written notice under the provisions this policy, upon written request from the employee received by the district within ten (10) days of receipt of the notice by the employee, shall be entitled to

- (a) written notice of the specific reasons for nonreemployment, together with a summary of the factual basis therefor; a list of witnesses and a copy of documentary evidence substantiating the reasons intended to be presented at the hearing, which notice shall be given to the employee at least fourteen (14) days prior to any hearing; if the district fails to provide this information to the employee, then the recommendation for non-reemployment shall be null and void, and the Board shall order the execution of a contract with the employee for an additional period of one (1) year;

- (b) an opportunity for a hearing at which to present matters relevant to the reasons given for the proposed non-reemployment, including any reasons alleged by the employee to be the reason for non-reemployment;
- (c) receive a fair and impartial hearing before the Board or hearing officer;
- (d) be represented by legal counsel, at his/her own expense.

Any employee requesting a hearing shall provide the school district, not less than five (5) days before the scheduled date for the hearing, a response to the specific reasons for nonreemployment, a list of witnesses and a copy of documentary evidence in support of the response intended to be presented at the hearing. If the employee fails to provide this information, then the recommendation of nonreemployment shall be final without the necessity of a hearing.

If the employee does not request a hearing, the recommendation regarding the nonreemployment of the employee shall be final.

It is the intent of this school district to establish procedures which shall meet all requirements of the Education Employment Procedures Law of 2001 and enable the Board of Trustees to determine whether the recommendation of nonreemployment is a proper decision and not contrary to the law and not a violation of some statutory or constitutional right and not to establish a system of tenure expressed or implied or require that all decisions of nonreemployment be based upon cause with respect to employment with the school district.

Any and all hearings shall be conducted pursuant to the Education Employment Procedures Law of 2001 and Policy GBNA adopted by this Board. All proceedings under this policy are and shall be governed by the Education Employment Procedures Law of 2001, where applicable. Section 37-9-101 *et seq.*

**RULES OF PROCEDURE UNDER THE EDUCATION EMPLOYMENT  
PROCEDURES LAW OF 2001**

**GBNA**

The procedures as set forth in this policy shall be applicable only to the Superintendent, teachers, principals, and other administrators or other licensed personnel elected by the Board of Trustees who are required to have a valid license issued by the State Department of Education as a prerequisite of employment and are under formal contract of employment as defined by state statute.

In the event that a determination that the best interests of the Biloxi Public School District would be served by the release from future employment of the employee under a proper employment decision that is not contrary to law and based upon valid educational reasons or noncompliance with school district personnel policies, the school district shall send written notice of the determination to the employee on or before the applicable date as established by state statute, together with a summary of the factual basis therefor, a list of witnesses, and a copy of documentary evidence substantiating the reasons intended to be presented at a hearing to which the employee is entitled. Notice of a hearing shall be given to the employee at least fourteen (14) days prior to any hearing.

An employee shall be entitled to receive a fair and impartial hearing before the School Board of the Biloxi Public School District or the hearing officer designated by the Board. The employee may request a hearing related to the nonreemployment decision and shall provide the district, not less than five (5) days before the scheduled date for the hearing, a response to the specific reasons for nonreemployment, a list of witnesses and a copy of documentary evidence in support of the response intended to be presented at the hearing. If the employee fails to provide this information, then the recommendation of nonreemployment shall be final without the necessity of a hearing.

If the employee does not request a hearing, the recommendation regarding the nonreemployment of the employee shall be final.

The School Board, or its designee, upon request for a hearing from an employee under the terms of Sections 37-9-101 through 37-9-113 (see Policy GBN) shall set the time, place, and date of the hearing and notify the employee in writing of same. The date shall be set not sooner than five (5) days nor later than thirty (30) days from the date of the request, unless otherwise agreed.

The hearing may be held before the Board or before a hearing officer appointed for such purpose by the Board, either from among its own membership, from the staff of the school district or some other qualified and impartial person, but in no event shall the hearing officer be related to a Board member, any administrator making the recommendations of nonreemployment or the employee. Once a hearing officer is appointed, no *ex parte* communications may be made regarding any substantive provisions of the hearing.

The Board may appoint a presiding officer for the hearing, who will make all rulings on procedure and evidence and will generally conduct the hearing, subject to being overridden by a majority vote of the members present.

The presiding officer shall have full power and authority to conduct hearings in such manner as is appropriate to ascertain the facts and facilitate the hearing, which shall include but not be limited to the authority to:

1. administer oaths and affirmation;
2. issue subpoenas, subject to the provisions under "Subpoenas" of these rules;
3. examine witnesses;
4. receive depositions or affidavits or have them taken when the ends of justice would be served, as hereinafter provided;
5. regulate the course of the hearing;
6. hold conferences for the settlement or simplification of the issues by consent of the parties;
7. dispose of procedural requests or similar matters
8. make or recommend decisions in accordance with the rules under these procedures;
9. take other action authorized by the Board consistent with the rules and policies.

The hearing must be held in executive session unless the employee elects to have a public hearing. If an employee makes this election, however, the Board or the hearing officer, as the case may be, may order any part of the hearing to be held in executive session, if, in the opinion of the Board or the hearing officer, the testimony to be elicited deals with matters involving the reputation or character of another person. Notwithstanding the election by an employee for a public hearing, any testimony by minor witnesses must be held in executive session and considered confidential personnel records and confidential student records, subject to an expectation of reasonable privacy and confidentiality. Public disclosure of these records may be by court order only.

The district shall present evidence, in either written or oral form, at the hearing, in support of its recommendation for nonreemployment.

The employee shall be afforded an opportunity to present matters at the hearing relevant to the reasons given for the proposed nonreemployment determination and to the reasons the employee alleges to be the reasons for nonreemployment and to be represented by counsel at such a hearing. Such hearing shall be conducted in such a manner as to afford the parties a fair and reasonable opportunity to present witnesses and other evidence pertinent to the issues and to cross-examine witnesses presented at the hearing. The Board or the hearing officer may require any portion of the evidence to be submitted in the form of depositions or affidavits, and in case affidavits are received, an opportunity to present counter-affidavits shall be provided.

The Board shall cause to be made stenographic notes of the proceedings. In the event of a judicial appeal of the Board's decision, the entire expense of the transcript and notes shall be assessed as court costs.

The Board shall review the matters presented before it, or if the hearing is conducted by a hearing officer, the report of the hearing officer, if any, the record of the proceedings and, based solely thereon, conclude whether the proposed nonreemployment is a proper employment decision, is based upon a valid educational reason or noncompliance with school district personnel policies and is based solely upon the evidence presented at the hearing, and shall notify the employee in writing of its final decision and reasons therefor. Such notification shall be within thirty (30) days of the conclusions of the hearing if the hearing is conducted by a hearing officer and within ten (10) days of the conclusion of the hearing if the hearing is initially conducted by the Board. If the matter is heard before a hearing officer, the Board shall also grant the employee the opportunity to appear before the Board to present a statement in his/her own behalf, either in person or by his/her attorney, prior to a final decision by the Board.

In conducting a hearing, the Board or hearing officer shall not be bound by common law or by statutory rules of evidence or by technical or formal rules of procedure except as provided in Sections 37-9-101 through 37-9-113, but may conduct such hearing in such manner as best to ascertain the rights of the parties; however, hearsay evidence, if admitted, shall not be the sole basis for the determination of facts by the Board or hearing officer.

For purposes of conducting hearings under Sections 37-9-101 through 37-9-113, the Board or hearing officer shall have the authority to issue subpoenas for witnesses and to compel their attendance and the giving of evidence. Any expense connected therewith shall be borne by the party requesting the subpoenas, which shall include an appearance fee for each witness so subpoenaed not inconsistent with state laws governing payments to witnesses. In the event it is necessary to enforce or to quash a subpoena issued to compel the attendance of a witness, application shall be made with the chancery court of the county where the School Board is located. It is the policy of the school district that depositions will be allowed only in extraordinary cases in which the personal attendance of the witness is impossible or would impose an unreasonable hardship. Depositions shall be allowed only if an application by a party is approved by the hearing officer, at his/her sole discretion.



## CONDUCT OF HEARING

- a. The first order of business after the hearing is convened is to dispose of any procedural matters.
- b. Prior to receiving any testimony, evidence will be received that all notices and information were timely sent to the employee and that the employee made timely requests for information and a hearing. If a notice or a request is defective or untimely, the presiding officer may order such relief as is appropriate.
- c. Witnesses and other evidence in support of the determination to release the employee from future employment will be introduced first. The presiding officer may interrogate witnesses himself/herself or he/she may allow a representative of the administration of the Board to examine witnesses. The employee or his/her attorney will also be allowed to cross-examine each witness presenting evidence against him/her at the hearing.
- d. After the evidence in support of the determination has been submitted, the employee will be allowed an opportunity to present his/her witnesses and evidence. The presiding officer and a representative of the administration or the Board will be allowed an opportunity to cross-examine any witnesses for the employee. After the employee concludes his/her case, the administration will be allowed an opportunity to present rebuttal evidence, either at the time of the hearing or within a reasonable time upon recess of the hearing. The presiding officer, at his/her discretion, may require any portion of the evidence to be submitted in the form of depositions or affidavits. If affidavits are received, counter-affidavits may be presented within such time as the hearing officer may allow.
- e. At the conclusion of the hearing, each party may be allowed an opportunity for closing arguments, if requested by the presiding officer, at his/her discretion.

## FINAL DECISION

- a. If the Board initially hears the matter, it will make its decision on the basis of the record and will send notice of its decision to the parties within ten (10) days of the conclusion of the hearing.
- b. If the Board does not initially hear the matter, the parties will be given a reasonable opportunity to appear before the Board, in person or by counsel, to present statements in their behalf. The Board will send notice of its decision to the parties within thirty (30) days of the conclusion of the hearing.
- c. The Board shall receive the findings, any exceptions, the recommended decision, and the record, and shall prepare its own findings and final decision.

In the event the decision of the School Board is in favor of the employee, the Board shall have the authority to order the execution of a contract with the employee for an additional period of one (1) year.

Ref: Section 37-9-101 through 37-9-113, MS code of 1972, amended.

<b>RESIGNATIONS AND RETIREMENT - LICENSED EMPLOYEES</b>
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<b>GBO</b>
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Resignations by licensed personnel must be submitted in writing to the staff member's principal or immediate supervisor and forwarded to the Superintendent of Education.

For licensed personnel whose resignations are accepted and who do not complete the contractual period, salary will be computed as outlined under policy GBA. Final payment of salary will not be made until the staff member's resignation has been approved by the Board of Trustees.

A resignation or application for release will be received by the administration only if properly executed; and it shall be at the discretion of the Superintendent of Education as to whether or not he/she recommends acceptance of the resignation or application for release to the Board of Trustees. (See Policy GBA.)

**Retirement**

Any licensed employee giving notice of intent to retire shall follow the same procedure as that of a resignation.

**LICENSED PERSONNEL - TIME SCHEDULES -**

**GBRB**

**WORKING DAY FOR TEACHERS - LEAVING SCHOOL GROUNDS**

The normal working day for teachers shall be from thirty (30) minutes prior to the beginning of classes until thirty (30) minutes after dismissal of students except on days designated for staff development. Principals, with the consent of the Superintendent of Education, may adjust the time to fit their particular school hours.

All teachers shall sign in and out daily as directed by the principal. All teachers shall be expected to comply with hours established by the administration and/or the Board of Trustees. There will be occasions when teachers will be asked to remain after regular duty hours.

Teachers shall sign in for themselves and under no circumstances will one teacher be allowed to sign in or out for someone else.

If a teacher finds that he/she will be late for school, he/she shall notify the principal prior to the opening of school.

Teachers are required to remain at school throughout the school day. Any teacher who finds it necessary to leave the school grounds during the school day because of an emergency shall first secure the principal's permission.

**REDUCTION OF PAPERWORK - LICENSED PERSONNEL**

**GBRCA**

The Board of Trustees and administration recognize that academic preparation and instructional time must be protected from undue interruption or delays. It is, therefore, the policy of the Board to limit as much as possible the number of written reports classroom teachers are required to prepare.

This policy shall not be construed to limit administrators from requiring reports necessary for the efficient operation of the total school system.

**SABBATICAL LEAVE FOR PROFESSIONAL IMPROVEMENT –  
LICENSED EMPLOYEES**

**GBRHA**

After six (6) years of continuous employment in the Biloxi Public School District, a sabbatical leave for one (1) year, without pay, may be granted for the following purposes:

- A. Advanced study in an accredited college or university.
- B. Employment which will result in improvement of the staff member's professional competence for the position in the Biloxi Public School District.
- C. Educational travel which will improve the staff member's competence in the position held in the Biloxi Public School District.
- D. Endeavors that will lead to professional improvement.

The staff member must make a written request for sabbatical leave to the Superintendent of Education before March 1. In all instances of sabbatical leave, the staff member must submit a written plan of professional study or improvement to be secured through the leave.

The staff member will return to a position in the area of certification held at the time the sabbatical leave was granted or a position based on new certification. Notice of intent to return after leave must be submitted in writing to the Superintendent of Education before March 1 of the year for which the leave has been granted. The staff member will return to the salary schedule one (1) step above that upon which the last contract was written. Said teacher may continue coverage in existing school programs during the leave, provided that the premiums for such programs are paid by the teacher. The year of sabbatical leave will not count toward retirement.

All requests for sabbatical leave must be approved by the Board of Trustees on recommendation from the Superintendent of Education.

**ATTENDANCE AT EDUCATIONAL MEETINGS****GBRHB**

The Board of Trustees of the Biloxi Public School District recognizes that professional personnel have opportunities to participate in educational meetings of value to the school district. Such meetings may be attended under the following conditions:

1. Reimbursement for travel, lodging, meals, registration, and other major items related to the meetings may be made only for those personnel who attend such meetings at the request of the administration.
2. A request to attend a professional meeting shall be submitted on school business forms in writing to the principal or immediate supervisor no later than ten (10) school days prior to the activity and is subject to approval or disapproval by the Superintendent.
3. **NOTE:** Personnel who attend professional meetings other than those at the request of the administration may be permitted to do so at their own expense and with the loss of personal leave. The request must follow procedural guidelines established under School Business Leave.

"Strike" means a concerted failure to report for duty, a willful absence from one's position, the stoppage of work, a deliberate slowing down of work, or the withholding, in whole or in part, of the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; provided, however, that nothing herein shall limit or impair the right of any licensed teacher to express or communicate a complaint or opinion on any matter related to the conditions of employment so long as the same is not designed and does not interfere with the full, faithful and proper performance of the duties of employment.

"Certified teacher" shall mean the following employees of this school district: classroom teachers, supervisors of programs, librarians, guidance personnel, audiovisual personnel and vocational directors.

It is hereby declared that a strike, concerted work stoppage or concerted refusal to perform lawful duties in any manner by licensed teachers against public school districts within the State of Mississippi shall be illegal, unprotected and contrary to the public policy of the State of Mississippi.

No licensed teacher, group of licensed teachers or teacher organization shall promote, encourage or participate in any strike against a public school district, the State of Mississippi or any agency thereof.

No person exercising any authority, supervision or direction over any licensed teacher shall have the power to authorize, approve or consent to a strike by one or more licensed teachers, and such person shall not authorize, approve or consent to such strike. No local school governing Board or any person exercising authority, supervision or direction over any public school shall attempt to close or curtail the operations of the public school, or to change or alter in any manner the schedule of operations of said school in order to circumvent the full force and effect of this statute. In the event of a strike against the public school, the local school governing Board shall continue school operations as long as practicable in order to ascertain which teachers are on strike, and certify the names of such teachers to the Attorney General. Any member of a local school governing Board or public school administrator who violates this subsection shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each day such violation continues.

Chancery courts having jurisdiction of the parties are vested with authority to hear and determine all actions alleging violations of subsection (3) of this section. Suits to enjoin violations of subsection (3) of this section shall have priority over all matters on the court's docket except other emergency matters.

If a licensed teacher, a group of licensed teachers, a teacher organization, or any officer, agent or representative of any teacher organization engages in a strike in violation of subsection (3) of this section, any public school district whose employees are involved or whose employees may be affected by the strike shall file suit to enjoin the strike in the Chancery Court of the First Judicial District of Hinds County, Mississippi, or in the chancery court having proper jurisdiction and proper venue of such actions. The chancery court shall conduct a hearing with notice to all interested parties, at the earliest practicable time. If the complainant makes a prima facie showing that a violation of subsection (3) of this section is in progress or that there is a clear, real and present danger that such strike is about to commence, the chancery court shall issue a temporary restraining order enjoining the strike. Upon final hearing, the chancery court shall either make the injunction permanent or dissolve it.

If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the complainant, the chancery court shall immediately initiate contempt proceedings against those who appear to be in violation. A teacher organization found to be in contempt of court for violating an injunction against a strike shall be fined up to Twenty Thousand Dollars (\$20,000.00) for each such calendar day. The fines so collected shall immediately accrue to the school district and shall be used by it to replace those services denied the public as a result of the strike. Each officer, agent or representative of a teacher organization found to be in contempt of court for violating an injunction against a teacher organization shall be liable for any damages which might be suffered

by a public employer as a result of a violation of the provisions of subsection (3) of this section by the teacher organization or its representatives, officers and agents. The chancery court having jurisdiction over such actions is empowered to enforce judgment against teacher organizations by the attachment or garnishment of organization initiation fees or duties.

If the court, after a hearing or notice, determines that a licensed teacher has violated subsection (3) of this section, it shall order the termination of his or her employment by the public school district. No person knowingly violating the provision of said subsection may, subsequent to such violation, be employed or reemployed as a teacher by any public school district in the state unless the court first finds a public necessity therefor.

The provisions of this subsection (8) shall be cumulative and supplemental to any other applicable provision of law. §37-9-75 (1985)

LEGAL REF.: MS CODE as cited



The Biloxi Public School District shall be authorized to employ substitute teachers as necessary because of the absence of the regular teachers.

It is the responsibility of the teacher to follow the procedures established by the administration for obtaining a substitute and to notify the building principal of his/her absence prior to the beginning of school.

A teacher shall not arrange for a member of his/her family to act as his/her substitute.

Payment for substitute teaching will be based on the salary schedule established by the Board of Education.

A substitute teacher will be classified as a permanent substitute and will be paid under the permanent substitute's salary schedule under the following conditions: (1) must be employed for a minimum of ten (10) consecutive school days in the same position and in the same school; (2) must not have been absent during that period; (3) must be recommended by the principal for the position of permanent substitute. Only a person with a four-year college degree may serve as a permanent substitute teacher. On the eleventh day of substitution, for the same district employee, the substitute will be paid at the permanent substitute teacher's daily rate. . Permanent substitute pay will be retroactive to the first day of employment upon assignment as a permanent substitute.

Substitute teachers will be required to complete the regular school day, remaining on duty until the end of the school day.

1. Substitute teachers must be approved according to district policy.
2. The substitute list will be updated periodically to add approved substitute teachers' names or to delete names as required because of unsatisfactory performance, transfers, and the like.
3. The principal of each school shall provide a statement of procedures which teachers will follow in securing substitutes.
4. The teacher who is absent will fully inform the substitute regarding lesson plans, materials, seating charts, special duties, parking, and other matters of importance.
5. In cases where the teacher is absent, he/she will inform the principal or his/her designee as directed for his/her school.
6. If the list of approved substitutes has been exhausted, the principal will make arrangements to see that the students are properly supervised at all times.
7. Substitute teachers will be required to follow the policies and procedures as established by the district.
8. The Superintendent of Education or his/her designee may employ substitutes on an as-needed basis.

**MEETINGS AND NOTIFICATIONS OF PROFESSIONAL  
ORGANIZATIONS - LICENSED EMPLOYEES**

**GBS**

Meetings of all professional organizations, or programs sponsored by these organizations, such as surveys, insurance presentations, recruitment of members, etc., shall be conducted at a time other than the normal working day of staff members. The meetings or surveys may be held on school premises, but only after prior approval of the Superintendent of Education or his/her designee. Announcements or other information regarding professional organizations may be made at general faculty meetings or sent through the inter-school mail only with prior approval of the Superintendent of Education.

As a leader in education, the teacher constitutes the connecting link between the community and its future citizens. For this reason the teacher should:

1. Practice the highest code of ethical conduct.
2. Cultivate exemplary traits of character and behavior.
3. Face his/her task with all the force of his/her personality.
4. Have hope that leads to the highest ideals of service.
5. Have faith in his/her profession and in the youth under his/her supervision.
6. Have love that puts these ideals into practice.

The following principles will aid the teacher in maintaining high standards of honor and integrity.

- I. Relationship of Teacher to Pupil: The primary obligation of the teaching profession is to guide pupils in the pursuit of knowledge and skills, to prepare them in the ways of democracy, and to help them to become happy, useful, self-supporting citizens. The ultimate strength of the nation lies in the social and civic responsibility, economic competence, and moral strength of the individual American.
  - A. Deal justly and impartially with students.
  - B. Recognize the differences among students and seek to meet their individual needs.
  - C. Encourage students to formulate and work for high individual goals in the development of their physical, intellectual, and creative endowments.
  - D. Aid students to develop an understanding and appreciation not only of the opportunities and benefits of American Democracy but also of their obligations to it.
  - E. Accept no remuneration for tutoring except in accordance with approved policies of the Board.
- II. Relationship of Teacher to Parents: The members of the teaching profession share with parents the task of shaping each student's purposes and acts toward socially acceptable ends. The effectiveness of many methods of teaching is dependent upon cooperative relationships with the home.
  - A. Respect the basic responsibility of parents for their children.
  - B. Seek to establish friendly and cooperative relationships with the home.
  - C. Help to increase the student's confidence in his/her own home and avoid disparaging remarks which might undermine that confidence.
  - D. Provide parents with information that will serve the best interests of their children, and be discreet with information received from parents.
  - E. Keep parents informed about the progress of their children as interpreted in terms of the purposes of the school.
- III. Relationship of Teacher to Community: The teaching profession occupies a position of public trust involving not only the individual teacher's personal conduct but also the interaction of the school and the community. Education is most effective when these relationships operate in a friendly, cooperative, and constructive manner.
  - A. Adhere to conduct that is becoming to a professional person.
  - B. Perform the duties of citizenship, such as voting, and the obligations to students, parents, and teachers.
  - C. Discuss controversial issues from an objective point of view, thereby avoiding partisan opinions.
  - D. Recognize that the public schools belong to the people of the community and strive to keep the public informed of the educational program which is being provided.
  - E. Respect the community and be loyal to the school system, community, state, and nation.
  - F. Work to improve education in the community and to strengthen the community's moral, spiritual, and intellectual life.

IV. Relationship of Teacher to Administration: The members of the teaching profession have inescapable obligations with respect to employment. Employer-employee responsibilities are based upon mutual respect and good faith.

- A. Conduct professional business through the proper channels.
- B. Refrain from discussing confidential and official information with unauthorized persons.
- C. Apply for employment in a professional manner on the basis of qualifications only, and avoid asking for a specific position known to be filled by another teacher.
- D. Adhere to the conditions of a contract until service thereunder has been performed, the contract has been terminated by mutual consent, or the contract has otherwise been legally terminated.
- E. Give and expect due notice before a change in position is to be made.
- F. Be fair in all recommendations that are given concerning the work of other teachers.
- G. Accept no compensation from producers of instructional supplies when one's recommendations affect the local purchase or use of such teaching aids.
- H. Engage in no gainful employment, outside of contract, where the employment affects professional status adversely or impairs standing with students, associates, and the community.
- I. Accept obligations to the employing Board for maintaining a professional level of service.
- J. Be professional by willingly accepting student teachers when asked.

V. Relationship of Teacher to Teacher: The teaching profession is distinguished from many other occupations by the uniqueness and quality of the professional relationship among all teachers. Community support and respect are influenced by the standards of teachers and their attitudes toward teaching and other teachers.

- A. Deal with other members of the profession in the same manner as you wish to be treated.
- B. Speak constructively of other teachers, but report honestly to responsible persons in matters involving the welfare of students, the school system, and the profession.
- C. Maintain active membership in professional organizations and, through participation, strive to attain the objectives that justify such organized groups.
- D. Seek to make professional growth continuous by such procedures as study, research, travel, conferences, and attendance at professional meetings.
- E. Make the teaching profession so attractive in ideals and practices that sincere and able young people will want to enter it.

**PERSONNEL**  
**GC POLICIES**  
**CLASSIFIED EMPLOYEES**

<b>SALARY SCHEDULE - CLASSIFIED EMPLOYEES</b>
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<b>GCA</b>
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Salaries will be set in accordance with the salary schedule in effect at the time of employment. Steps indicated on the salary schedule are not to be considered as automatic annual increments, but will be given on the recommendation of the Superintendent of Education with the approval of the Board of Trustees. All classified personnel positions will be filled by the best qualified applicants and they will be placed on the pay scale according to their previous experience, ability, and the needs of the school system.

**CREDIT FOR COURSES OFFERED DURING SCHOOL HOURS****GCBBA**

Assistant teachers and instructional aides employed in the Biloxi Public School District may be given the opportunity to earn college credit for courses (that are only offered during school hours, during the school year) taken in pursuit of a degree of education.

In order to be eligible for consideration of this opportunity, the following requirements must be met:

- the employee must have worked in Biloxi Public Schools for at least two (2) complete years;
- the employee must make this request in writing to the building principal;
- the course to be taken must be from an accredited institution of higher learning;
- the course to be taken is scheduled and meets after 1:30 p.m. once a week;
- only one (1) course may be taken each semester;
- the employee must present a letter of documentation, on letterhead from the academic advisor, verifying that the course to be taken was not offered the previous semester or summer nor is it planned to be offered during the subsequent semester after 4:00 p.m.;
- the employee's excused absence does not create concerns of student safety or supervision; and
- the employee must have permission from the building principal to be excused from work during the designated period of time.

In order to be paid for the time absent from work, the employee must present an official copy of his/her transcript which verifies the student has earned a "C" or better in the course or the employee's pay will be docked for time missed from his/her job responsibilities.

All classified personnel must meet the following requirements: (1) must complete an application, which will be kept on file in the central office; (2) must be interviewed by the principal, immediate supervisor, or administrator to whom the employee reports; (3) must be recommended by the principal, immediate supervisor, or administrator to the Superintendent, who will make recommendations to the School Board; (4) must complete all appropriate federal, state, and local payroll forms before employment.

1. All classified personnel regularly employed in an individual school will be recommended to the Superintendent and/or his/her designee by the building principal.
2. Names of substitute personnel will be submitted by supervisors to all building principals for their approval prior to recommendation.
3. An individual serving in more than one school will be jointly recommended to the Superintendent by the building principals concerned.
4. All classified personnel not assigned to a specific school will be recommended to the Superintendent and/or his/her designee by the staff member's immediate supervisors.
5. Employment will be made only upon recommendation of the Superintendent and election of the School Board.

See GAAC-Personnel-Hiring.

**EMPLOYMENT PRIOR TO BOARD APPROVAL - CLASSIFIED EMPLOYEES****GCDA**

Where job openings occur in positions to be filled by classified personnel, the Superintendent shall have the authority to employ supportive personnel on a temporary basis, subject to later Board approval. Employees so hired shall be informed at the time of their initial employment that permanent employment will be subject to Board approval or disapproval.



Evaluation shall be an ongoing process by the building principal, immediate supervisor, and/or administrator to whom the employee reports. All supervisors of classified personnel shall use evaluation instruments and follow evaluation procedures established by the district.

**PROMOTIONS AND TRANSFERS - CLASSIFIED EMPLOYEES**

**GCM**

Should a vacancy occur in a position within the school system and should there be an employee within the system who wishes to transfer, he/she will be given an opportunity to apply for the position by making a written request for transfer through his/her immediate supervisor, who will forward the request to the personnel office.

**INVOLUNTARY TRANSFER - CLASSIFIED EMPLOYEES****GCMA**

The Superintendent of Education shall transfer classified personnel from one position and/or school to another as needed. In cases where staff members must be transferred involuntarily, the Superintendent shall transfer a staff member from one position to another for which the staff member is qualified through experience and training within the school system.

**TIME SCHEDULES - GENERAL WORK DAYS - CLASSIFIED EMPLOYEES**

**GCRB**

Work hours for non-exempt employees may vary according to job classification, but every employee must adhere to the time schedule established for the office, building, or work area. Principals and/or supervisors may regulate daily work schedules for employees under their supervision, provided that such schedules meet minimum hours per day and that job assignments or duties require such variation in daily work schedules. Such variances shall not be made for the primary purpose of meeting individual requests or preferences. All time schedules listed on the At-Will-Agreement shall be observed.

Work days shall be scheduled for clerical, secretarial, instructional support, and other support personnel as determined by the yearly calendar adopted for the district.

All time reported by non-exempt personnel shall be in accordance with the Fair Labor Standards Act requirements and the general policies and procedures established by the school district.

The work-week for classified employees begins at one second after midnight on Saturday morning and ends at midnight on the following Friday. The regular work-week will be limited to forty hours within this time frame.

**COMPENSATORY TIME/OVERTIME PAY - CLASSIFIED (NON-EXEMPT  
WAGE AND HOUR EMPLOYEES)**

**GCRD**

Compensatory time off beyond the present work-week, in lieu of overtime pay, is now permitted for non-exempt employees. Compensatory time is granted at the time of 1-1/2 hours for each hour of overtime worked (hours over 40 in any one work-week).

Any employee who volunteers for occasional or sporadic employment in a different work capacity will not have those hours included in his/her regular hours for overtime purposes. In addition, employees who do volunteer work will not receive overtime entitlement for such work. For example, any person, even a school employee other than a transportation employee, may volunteer to drive a bus to carry a football team or band on a trip; or any employee may volunteer to assist a disabled child on his/her own time as an act of compassion without the Fair Labor Standards Act requiring compensation for such volunteer work.

Compensatory time reports must be attached to each payroll transmittal sheet signed by a principal or payroll administrator showing the school or department, non-exempt employee's name, previously accrued compensatory hours (1-1/2 times the over-40 hours), current compensatory hours earned, current use of compensatory hours, and compensatory hour balance. This report must include each non-exempt employee under the administrator's supervision who has any compensatory time balance or current activity.

Principals and payroll administrators are required to report the actual hours worked each work-week by non-exempt employee, with notations on the transmittal sheets explaining all absences, including previous compensatory time usage. Absences not covered by other Board policy or a previous compensatory time balance will require an appropriate earnings reduction.

**ACCRUED COMPENSATORY TIME IS TO BE USED BY THE EMPLOYEE WITHIN THE PAY PERIOD AFTER ITS HAVING BEEN EARNED OR UNDER EXCEPTIONS GRANTED AND WITH PRIOR WRITTEN APPROVAL BY THE SUPERINTENDENT OF EDUCATION OR HIS/HER DESIGNEE.**

Compensation for overtime work will be paid only when budgetary provision has been made and with the approval of the Superintendent. In all other cases, the compensatory time policy will apply.