



SUBSTITUTE EMPLOYEE HANDBOOK

*TOGETHER, ENGAGING STUDENTS TO
SUCCEED*

HIGH DESERT EDUCATION SERVICE DISTRICT

SUBSTITUTE HANDBOOK

The information contained in the substitute handbook is presented as a matter of information only. These policies are not intended as, nor should they be construed to create, the terms of an express or implied contract with High Desert ESD, or as any type of promise or guarantee of specific treatment. No contract of employment may be created between High Desert ESD and any substitute, except as may otherwise be provided by an express written agreement signed by the Superintendent of the High Desert ESD. The employment relationship with the High Desert ESD is at will. Any substitute may resign at any time and for any reason, or be terminated at any time and for any reason, with or without notice and with or without cause. The High Desert ESD reserves the right to make changes, to update, to delete, or to add to these policies, rules, procedures, at any time, with or without notice.

High Desert ESD celebrates all cultures and languages and is committed to creating a diverse environment and is proud to be an equal opportunity employer. All qualified applicants will receive considerations for employment without regards to race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, disability, age, or veteran status.

The district is an equal employment opportunity employer.

DISTRICT OFFICE CONTACT NUMBERS

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Absence Management Automated System 1-800-942-3767

HDESD Website www.hdesd.org

All forms may be accessed at: <http://www.hdesd.org/services/substitute-services/documents-and-forms/>

TABLE OF CONTENTS

SUBSTITUTE PROCEDURES

Application	3
Assignments	4
Pay for substitutes	4
Long-Term Substitute Job	4
Timesheets and Pay Dates	5
Pay Checks and Direct Deposit	5
PERS/OPSRP	5
Contributions to 403(b) Retirement Plans	6
Meal and Rest Breaks	6
Notification of Scheduled Recess Periods	6
Fall Registration	6
ID Badge	6
License Renewal	6
Sick Time	7

SUBSTITUTE RESPONSIBILITIES AND CONDUCT

General Code of Conduct	7
Personal Appearance/Dress Code	8
Copyright	8
Suspected Child Abuse and Neglect	8
Confidentiality	9
Working Alone with Students	9
Substitute Exclusion Practice	9
Substitute Reports	9

SAFETY ISSUES

Employee Health and Safety	9
Smoke-Free Environment	10
Accident/Incident Reporting	10
Universal Infection Precautions	10
Hazardous Materials	11
School/Program Closure or Weather Delays	11
Security	11
Weapons	11

PROBLEMS AND COMPLAINTS

General Problems and Questions	11
Official Staff complaints	11
Sexual Harassment	11
Drug-Free Workplace	12

ETHICS

Oregon Standards for Educators	12-15
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INTRODUCTION

Welcome to the High Desert Education Service District (HDESD). As a substitute teacher or classroom assistant, you are employed to carry out the instructional program during the temporary absence of a regular teacher or assistant. You are an important member of the teaching staff. As each child differs so will each substituting situation. Be ready and willing to adapt yourself to various teaching assignments. Teaching is an all-encompassing task. While you are substituting for a staff member, strive to keep the learning and intellectual growth of the students expanding.

Please perform all of the regular duties of the teacher or assistant for whom you are substituting. It is expected that you will follow, as nearly as possible, lesson plans and classroom procedures prepared by the regular teacher. If for some reason complete plans have not been left for you, please see the department chair, team leader or the principal for direction. Under exceptional circumstances you may need to deviate from the plans left for you. If so, leave a complete explanation for the teacher upon his/her return to explain the circumstances.

The HDESD schedules substitute teachers and classroom assistants for the following school districts:

- Bend La Pine Public Schools
- Crook County School District (licensed substitutes only)
- Redmond School District
- Sisters School District
- Culver School District
- Redmond Proficiency Academy
- High Desert Education Service District
- Seven Peaks School
- Powell Butte Charter School
- Central Oregon Intergovernmental Council (secondary alternative education)

SUBSTITUTE PROCEDURES

Application

In order to be placed on the licensed or classified substitute roll with the High Desert ESD, an individual must complete the following procedures.

- Complete the online HDESD application form with current address and phone number. Notify the HDESD Substitute Office of any changes as they occur. Substitute teachers must have a valid Oregon TSPC license.
- Attend a New Substitute Orientation training.
- Successfully complete required drug testing and criminal history check (fingerprinting at substitute expense).
- Complete a set of payroll forms, which include the Payroll Information Sheet, W-4 form, Direct Deposit and an I9 form.
- Complete online training in "Child Abuse Identification and Reporting," "Blood borne Pathogens," and "Sexual Conduct: Staff-to-Student".
- Complete online acknowledgement of the HDESD Substitute Handbook.
- Complete the Substitute Profile (done at New Substitute Orientation)

Assignments

Substitute assignments are secured through the High Desert ESD Absence Management System (formerly Aesop). This Absence Management System is an automated scheduling system that can be accessed through Absence Management Online, a web-based internet service, or by phone. Absent employees call for a substitute and Absence Management notifies subs of available subbing opportunities. Substitute employees can accept or reject jobs. It is imperative to record the "Confirmation Number" upon acceptance of an assignment. The procedure for using this system is available through the Absence Management Learning Center and can be accessed at any time.

PAY FOR SUBSTITUTES

Licensed

A substitute teacher is one who holds an appropriate TSPC Oregon license and who, on a day-to-day basis and without contract, does the full work of a regularly assigned teacher during the regular teacher's absence from duty. Substitute teachers are not eligible for fringe benefits.

Substitute teachers will be paid at the state rate of \$187.92 per day for the first 10 consecutive days in the same position. After the 10th consecutive day in the same position, they will be paid \$198.32 per day. Substitute teachers are paid in accordance with ORS 342.610. A "half day" wage is paid to any substitute teacher assigned to no more than four hours of scheduled time in a school building in one day, and covers all hours worked during that day. A "full day" wage is paid to any substitute teacher assigned to more than four hours of scheduled time in a school building in one day, and covers all hours worked during that day. *You are expected to remain on the job for the entire half or full day. If you have completed your assignment, please check with the office for additional tasks. Substitute teachers often help out in the library or assist children with reading or other assignments.*

If a substitute teacher shows up and they aren't needed, please immediately contact Becca Scott, Aesop Specialist, to determine if other work is available. If no assignment is available, the sub is released and paid the minimum half-day.

Classified (Educational Assistants and Secretaries)

Classified substitutes are paid by the hour. Rate of pay has been established by each district and is currently \$13.57 per hour.

If a classified substitute shows up and they aren't needed, please immediately contact Becca Scott, Aesop Specialist, to determine if other work is available. If no assignment is available, the sub is offered a choice. They may leave immediately without pay or stay and work for pay no more than 2 hours.

NOTE: The rate of pay is determined by the position – e.g., if a licensed person is subbing in a classified position, they will be paid at the classified rate. A person not holding a license will be considered classified.

Long-Term Substitute Job

A long-term substitute job is defined as a substituting assignment in the same job for the same employee for a period longer than 10 consecutive workdays up to a 120-calendar-day period, excluding customary recess periods. The assignment must be consecutive without breaks.

Anyone holding a **Restricted Substitute Teaching License** is not allowed to accept any long term assignments.

Timesheets and Pay Dates

Licensed and classified substitutes are responsible for completing and submitting an electronic timesheet on a monthly basis using the TimeClock Plus system. The procedure for using this system is included in this handbook. In order to be paid for work, the substitute must completely and correctly fill out the electronic timesheet. Only jobs properly recorded in Absence Management and verified by the school or program office manager will be paid.

The regular payday for the High Desert ESD is the 15th of the month.

Electronic timesheets must be submitted by the 1st of each month for payment on the 15th. Timesheets that are not submitted by the 1st will not be guaranteed payment on the 15th. Timesheets that are received after the 1st of the month may be paid later in the month or at the next month's regularly scheduled payday. Substitutes who fail to submit timesheets in a timely manner may be disciplined and/or removed from the substitute pool.

High Desert ESD Pay Periods, Timesheet Due Dates and Pay Days for Substitutes 2019-20

Pay Periods	Timesheet Due Date	Pay Day
Sep. 1 – Sep. 30, 2019	Oct. 1, 2019	Oct. 15, 2019
Oct. 1 – Oct. 31, 2019	Nov. 1, 2019	Nov. 15, 2019
Nov. 1 – Nov. 30, 2019	Dec. 2, 2019	Dec. 13, 2019
Dec. 1 – Dec. 31, 2019	Jan. 3, 2020	Jan. 15, 2020
Jan. 1 – Jan. 31, 2020	Feb. 3, 2020	Feb. 14, 2020
Feb. 1 – Feb. 29, 2020	Mar. 2, 2020	Mar. 13, 2020
Mar. 1 – Mar. 31, 2020	Apr. 1, 2020	Apr. 15, 2020
Apr. 1 – Apr. 30, 2020	May 1, 2020	May 15, 2020
May 1 – May 31, 2020	Jun. 1, 2020	Jun. 15, 2020
Jun. 1 – Jun. 30, 2020	To be announced	Jun. 30, 2019

Direct Deposit

Pay day is the 15th of each month. Employees hired after July 1, 2012 are required to use direct deposit to a bank account or a pay card. Forms to change your direct deposit may be obtained from the Payroll Department or online at the HDESD website. If you have questions regarding your direct deposit, please contact the payroll department.

PERS/OPSRP – Public Employee Retirement System/Oregon Public Service Retirement Plan

PERS/OPSRP is Oregon's retirement pension plan for public employees. Substitutes who previously worked in districts and are active PERS members and new substitutes who work over 600 hours during a calendar are required to participate in this program. Each employee contributes 6% of their wage to the plan. These funds are deposited in an Individual Account Program (IAP) that is very similar to a TSA or taxed sheltered account. In addition, the HDESD contributes a matching percentage to PERS. When a vested member of PERS retires, they will be eligible for a monthly pension payment.

Contributions to a 403(b) Retirement Plan

A tax sheltered 403(b) or TSA plan is a voluntary retirement plan for public and not-for-profit employees. Participants set aside money on a pre-tax basis through a salary reduction agreement with their employer. The money is then directed to a financial institution by the employer. The money grows tax-deferred until retirement or until age 59 ½. It is taxed as ordinary income when withdrawn. All ESD employees including substitutes are eligible to make contributions to a 403(b) plan if the employee contributes at least \$200 annually. Please contact the HR Director if you are interested in contributing to this plan.

Meal and Break Periods

Classified substitutes working six (6) or more hours per day are entitled to an unpaid one-half (1/2) hour meal period. The program supervisor, principal or designee will schedule the meal period between the end of the second and the beginning of the sixth hour.

Classified substitutes working four (4) hours or more per day are entitled to a ten (10) minute paid break for each segment of four (4) hours worked in one work period. The substitute's supervisor will schedule the break at a time assigned by the supervisor which is between the end of the first and the beginning of the fourth hour worked.

Licensed substitutes will follow the schedule of the teacher for whom they are filling in. The substitute teacher will follow the same meal and breaks periods as identified in the daily schedule or lesson plans.

Notification of Scheduled Term Recess Periods

The HDESD annual calendar includes several customary vacations or recess periods for employees. These breaks act as temporary interruptions in employment. The district expects that you will continue to perform the same or similar services after the vacation or recess period as you did before.

Continuation of Substitute Employment

We ask if you obtain other employment or do not plan to sub that you notify the substitute coordinator as soon as possible so your name may be removed from the substitute list.

Substitutes who do not fill any positions for an entire school year will be removed from active status at the end of the school year, and will be required to reapply for a substitute position with the HDESD if she/he wishes to substitute for the HDESD in a future school year.

ID Badge

Licensed and classified substitutes are required to wear photo ID badges in all programs serving children. The High Desert ESD will issue a photo ID badge with an expiration date of October 31 of the following year. New expiration date stickers will be available after October 31 for all substitutes who are eligible. Replacement ID badges are \$10.00. If you are no longer substituting, we ask that you turn your ID badge into the ESD.

Cell Phone Usage

Cell phones are not to be used for personal use during class instructional times: this includes texting, emailing, playing games, internet/data use and blue tooth. Please follow the building rules while on assignment for approved usage.

License Renewal

It is the responsibility of the licensed substitutes to maintain a current, valid TSPC teaching license. The substitute is responsible for providing license renewal information to the HDESD substitute office.

According to TSPC's regulations (OAR 584-050-0040), in order for the 120 day grace period to be in effect, you must submit renewal materials to TSPC prior to the expiration date on the face of your license. If you have not completed all the requirements for renewal or the next license type (e.g., have not received test scores), at a minimum, a C-1 application and renewal fees must be submitted to TSPC prior to the license expiration date in order for the grace period to begin. If you do not, your license becomes inactive, and you may not work as an educator. Intentionally working on an expired license is a violation of educator standards and Oregon law.

Sick Time

Paid sick time is accrued at a rate of one hour for every thirty hours worked, or 1.33 hours per forty hours worked. Forty (40) hours of Sick time may be carried forward to the next fiscal year (7/1 – 6/30), however accrual balances may not exceed eighty (80) hours.

When a substitute has a foreseeable need to utilize sick time benefits, the substitute must provide the HDESD Substitute office no less than ten (10) day notice and make an effort to schedule the absence at a time that will minimize the impact of business operations. When the need to utilize sick time benefits is unforeseeable, the substitute must make every effort to notify the HDESD Substitute office as soon as possible. When a substitute needs to utilize sick time hours the leave tracking form must be submitted to the HDESD substitute office. Please find the leave recording form on the HDESD Substitute web site: <http://www.hdesd.org/services/substitute-services/documents-and-forms/>

Substitutes are entitled to use sick time for the following purposes:

- For an employee's or family member's mental or physical illness, injury or health condition or need for medical diagnosis of these conditions or need for preventative medical care.
- To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.
- To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
- To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.

SUBSTITUTE RESPONSIBILITIES AND CONDUCT

General Code of Conduct

All substitute employees are expected to:

- Arrive to work on time ready to perform duties as outlined.
- Treat all staff, students, and public with courtesy.
- Limit personal calls and socializing to break times only.
- Respect fellow employees.
- Report all accidents to the building principal or program supervisor within twenty-four hours.
- Adhere to the dress code.

- Understand and comply with the mandatory reporting or child abuse requirements under Oregon Revised Statutes 419B.010-015 (see below).
- Understand and comply with Oregon Administrative Rules 584-020-000 through 584-020-0045, Standards for Competent and Ethical Performance of Oregon Educators.

Personal Appearance/Dress Code

- Appropriate dress is required. Casual dress is acceptable but does not include athletic shorts or sweats. Exposing undergarments is not appropriate.
- Clothing must be neat, clean, and in good condition.
- Clothing with tobacco, alcohol, drugs or sexually connotative words and/or pictures is not allowed.
- Some adults and children are allergic to perfumes and colognes—please, be sensitive to this.

Copyright

The Board recognizes that the unlawful copying of copyrighted materials contribute to higher costs for materials, lessens the incentives for development of qualified educational materials, fosters an attitude of disrespect for law which is in conflict with the educational goals of the district and puts the ESD at risk of litigation. All copyright laws are honored. If extra copies of a document, book, video or software are needed, please speak with the building principal or program supervisor.

Under statutory and common law, fair use provisions allow for limited copying or distribution of copyrighted, published works without the author's or publisher's permission. Specifically, teachers are allowed to reproduce parts of works for instructional purposes. Examples of permissible reproduction include a chapter from a book (as long as attribution is made), a picture from the Internet, an exercise or exam from the Internet or book, etc. As a teacher, there are two principal factors for compliance with copyright law: always give attribution regarding the source of the material, and if you are reproducing an entire work or substantial part of an entire work, seek permission from the publisher.

Please see your immediate supervisor if you have any questions regarding copyright obligations and compliance.

Suspected Child Abuse/Neglect

Any substitute employee having reasonable cause to believe that any child with whom they come in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, is required by policy and law to make a report by phone or person to Department of Human Services or law enforcement. When making a report, first contact the building administrator or counselor to discuss the situation; however remember that you must make an oral report to law enforcement or DHS. When making a report you must submit the ESD child abuse referral form to the High Desert ESD HR Department and to the school or program that the child attends. **[Form: "Child Abuse Reporting"]**.

Senate Bill 379, entitled "Child Abuse Training for School Employees, Parents and Students," was passed in the 2007 legislative session. This legislation requires that all school employees in Oregon receive training each year on the prevention, identification and reporting of child abuse and neglect. Training is now available through "SafeSchools", an online training system. Substitutes will be notified by email with the SafeSchools web link and directions for completing this required yearly training.

Confidentiality

Substitutes must respect the guidelines of confidentiality and follow policy rules regarding overt identification. Do not discuss confidential information with anyone except those who have a right to know the information. If in doubt, check with the building principal or program supervisor.

Working Alone With Students

Substitutes should avoid being alone with students in private situations whenever possible. This includes: in the classroom, bathrooms in particular or other areas where you may be providing instruction.

When possible, make sure there is another adult, a parent, or possibly a child who could act as a witness within the vicinity when you are working individually with a student. If there is a need to be alone for therapy or instruction, please leave doors ajar, notify someone of your schedule and follow it.

When your job assignment requires being alone with a student, bring any sensitive student/family concerns immediately and only to the building principal or program supervisor.

Substitute Exclusion Practice

HDESD seeks to provide the best teachers for our students every day. In that effort, the Redmond and Bend LaPine School Districts will exclude substitutes district wide as they investigate a single exclusion to a classroom or school.

We believe that any exclusion will be resolved in less than 48 hours from the time the ESD receives the exclusion notice from the school. That is the time the District needs to examine the situation and make a decision on the substitute's ability to serve in that school district.

We believe we are acting appropriately to put a hold on the placement of subs who have been excluded in order to give us hours or a day to determine why a classroom teacher or administrator called for their exclusion and check into the history of that substitute.

Substitute teachers are an integral part of our districts' efforts to educate children. It falls to us to do all we can to make certain we provide the highest quality of teachers every day, including those who serve as substitutes.

Substitute Reports

The substitute should leave a brief synopsis or assessment of the day for the teacher, describing what was accomplished and documenting problems that may have occurred.

SAFETY ISSUES

Employee Health and Safety

Safety is everyone's responsibility. As a substitute employee, you have the responsibility to assist in providing a safe environment for students and employees.

Think safety, work safely and follow these guidelines:

- Be familiar with and abide by common safety practices and rules.
- Learn and use methods that reduce hazards related to your job.
- Report defective/unsafe equipment to the building principal or program manager.
- Do not use defective/unsafe equipment.
- Use all required safeguards and safety equipment provided for you.
- Make suggestions, which will provide safer work conditions to the building principal or program manager.

- Report all accidents immediately. Seek first aid or medical assistance without delay.
- Know where emergency equipment is located and how to use it.
- Know all procedures and duties designed to reduce damage or injury in the case of fire.
- Participate in safety training programs.

Smoke-Free Environment

All offices, classrooms and other physical facilities, grounds and property owned, leased or occupied by Central Oregon school districts are to be smoke-free environments. The use of smoking and/or chewing tobacco in any school facility by staff members, students or guests is prohibited.

REPORTING ACCIDENTS AND INJURIES

Accident/Incident Reporting

All Injuries (Staff, Students, Visitors)

All accidents that occur while you are employed as a substitute must be immediately reported to the building secretary and/or principal and an Incident Report form must be filled out for the school in which the accident occurred. If the accident involved the substitute, the form must also be sent to the HDESD HR office. [**Form: "Incident Report"**]

All Injuries Requiring Medical Treatment

The HDESD carries worker's compensation insurance for all employees through the SAIF Corporation. If you are injured on the job, and the injury required medical treatment or time loss, complete Workers Compensation Claim Form 801 (available at http://www.saif.com/_files/Forms/801pack.pdf). The claim form must be submitted to the HDESD HR office within 24 hours of treatment. Please take note of the "Notice to Worker" instructions and "Failure to File" notice. Immediately notify the building principal or program supervisor and the HDESD Human Resources Department (541-693-5685). The responsibility for filing a claim lies with the employee who has been injured on the job or has a job related injury.

Substitute is not allowed to accept any further assignments until a Return to Work form from a physician has been received by HDESD HR. If there are work restrictions in place, those restrictions must be reviewed by HDESD HR prior to accepting any assignments.

Universal Infection Precautions

Remember: "If it is wet, and it is not yours, don't touch it!"

Body Fluids: All body fluids—including blood, wound drainage, urine, vomit, stool, tears, saliva, semen, vaginal secretions, mucus, respiratory secretions, nasal discharge and sputum—without distinction between individuals with a known disease and those without symptoms or diagnosis should be assumed to be infectious for human immunodeficiency virus (HIV), hepatitis virus (HBV), TB, and other blood-borne pathogens.

Hand Washing: The single most effective procedure to prevent the spread of communicable diseases.

Gloves: Wear gloves whenever you will be in contact with body fluids, mucus membranes, or non-intact skin. Gloves should be worn if you have an open sore or cut on your hands. Always wash your hands before and after putting on gloves and avoid touching your eyes or mouth. Gloves are provided at the school, non-latex gloves are available upon request.

To remove gloves: a) grasp the cuff of one glove; b) partially strip the glove off by turning it inside out; c) remove the other glove entirely by pulling it off inside out; d) with the free hand finish taking off the original glove without touching any surface that came in contact with fluids.

Toys, Equipment, Etc.: Anything that is used or placed in the mouth should be cleaned between uses and daily with germicidal solution.

Hazardous Materials

In addition to infectious agents, there are other types of hazards one may encounter every day. Chemicals agents may cause physical reactions, burns, irritation to the skin or mucous membranes or be poisonous. Physical agents such as noise, heat, welding arcs or microwaves may cause injury. Please check with your immediate supervisor regarding safety procedures if you are required to deal with such chemical or physical agents as a substitute.

School/Program Closure or Weather Delays and Work Days

Information regarding delayed start of school or school closure is given to all Central Oregon broadcast media. Generally, decisions on delays or school closures are made around 5:30 am. If a delay is announced for your assigned school, you are expected to report to work as close to the job start time as safely possible. If you are not able to travel to work, please notify the office manager at your assigned school immediately.

Security

The best security practice *in all* cases is to be aware of your environment and the people around you. Report any suspicious behavior of strangers to the building principal or program supervisor.

Weapons

School employees, including substitute employees and volunteers, are not allowed to possess or have in their possession a dangerous or deadly weapon or firearm on district property or at school sponsored events. Such weapons are not permitted even if the individual has a concealed weapons permit.

PROBLEMS AND COMPLAINTS

General Problems and Questions

All substitute employees are subject to HDESD and school district policies and procedures. Whenever a problem arises or you are in doubt regarding a particular policy or issue, talk with the building principal or program supervisor.

Official Staff Complaints

Building principals, program supervisors, the Human Resources Director and the Superintendent have responsibility for investigations concerning staff complaints when employees contend they have been subject to a violation, misinterpretation or inappropriate application of district personnel policies and/or administrative regulations.

Sexual Harassment

Sexual harassment of any substitute employee by students and other staff is prohibited and shall not be tolerated in the district. Any sexual harassment of students or other staff by a substitute employee is prohibited and shall not be tolerated in the district.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. The person's submission to the conduct or communication is made a term or condition of employment;
2. The person's submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and/or assignment;
3. The conduct or communication has the purpose or effect of substantially interfering with the person's ability to perform the job or meet performance expectations;

4. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or school environment;
5. The conduct has the purpose or effect of demanding sexual favors in exchange for benefits.

Sexual harassment as set forth above may include, but is not limited to, the following:

1. Verbal or written harassment or abuse;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications;
4. Unwelcome touching;
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's evaluations, assignments, etc.

Drug-Free Workplace

All staff members are hereby directed to refrain from the unlawful manufacture, possession, dispensation, use or distribution of controlled substances and alcohol on school premises or as part of any of its professional activities.

In compliance with federal law, marijuana is considered a controlled substance subject to this directive despite the fact that the use, possession, and distribution of marijuana is permissible under certain circumstances under Oregon law. Employees may be subject to random drug testing upon reasonable suspicion that the employee has violated this drug-free workplace policy.

Violation of this policy shall be considered grounds for termination. Compliance with all sections of this policy is mandatory.

As a condition of employment, an employee shall abide by terms of the district's drug-free workplace policy and shall notify the employer of any criminal drug convictions for violations occurring in the workplace no later than five days after such conviction.

The district shall notify the federal granting agency and the Oregon Teacher Standards and Practices Commission (TSPC) within 10 days after receiving notice of an investigation concerning an employee's alleged criminal drug violation or an employee's conviction of any criminal drug statute violation occurring in the workplace.

The district shall make a good faith effort to maintain a drug-free workplace through implementation of this policy.

ETHICS

Ethics

It is the responsibility of substitute teachers and all other substitute personnel to abide by the Oregon Standards of Competent and Ethical Performance.

Responsibilities of TSPC in Maintaining Standards

In 1973, the Teacher Standards and Practices Commission became an autonomous body. It was created amid demands across the nation that educators police their own ranks. As a result, one of the statutory responsibilities of TSPC is to maintain professional Standards of Competent and Ethical Performance of Oregon Educators. These standards can be found in Oregon Administrative Rules, Chapter 584, Div. 020. Approximately 2000 discipline cases are investigated by the Commission each year.

What is a Competent and Ethical Educator?

The competent educator demonstrates:

- Knowledge and use of curriculum and instruction to meet the needs of all students;
- Ability to provide a climate for students that is conducive to learning and respects the rights of all persons without discrimination;
- An understanding of students and ability to establish and maintain good rapport and assist the growth of students;
- Ability to work effectively with students, staff, parents and community.

The ethical educator demonstrates:

- A willingness to accept the requirements of membership in the education profession;
- A willingness to consider the needs of the students, the district and profession.

What is a Culturally Competent Educator?

- Capacity to promote equity of student access and outcomes;
- Advocacy for social justice;
- Awareness of laws and policies affecting learners;
- Creates a respectful and collaborative environment;
- Ability to navigate conflicts around race, ethnicity, religion, class, and language in a safe and productive manner;
- Ability to work collaboratively with students, staff, and parents from diverse racial, ethnic, religion, class and language background;
- Demonstrates respectful and welcoming verbal and non-verbal interaction skills.

What is the Responsibility of the Superintendent?

The district's chief administrator must report to TSPC within 30 days when, after appropriate investigation, the chief administrator **reasonably** believes that an educator has violated standards by committing acts of gross neglect of duty or gross unfitness.

What is Gross Neglect of Duty?

Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. Conduct constituting gross neglect of duty usually includes conduct occurring on school premises and during school hours.

What is Gross Unfitness?

Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours and off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively.

What Happens When TSPC Receives a Complaint?

- TSPC conducts an investigation to determine whether or not the allegation(s) is factual.
- The educator is notified of the complaint and encouraged to respond to the allegation(s).
- The Commission considers the Preliminary Investigation report and determines whether or not there is sufficient cause or evidence to charge the educator with a violation of TSPC Standards.
- The Commission may dismiss the complaint for lack of sufficient cause; **or**
- Enter into a settlement agreement with the educator (Order of discipline); **or**
- TSPC may inform the educator of charges and of an opportunity for hearing.

What Happens When the Educator Requests a Hearing?

The Commission is represented by counsel from the Attorney General's office. The educator may be represented by an attorney. Hearings are conducted by an Administrative Law Judge. Based on evidence presented at the hearing, the Administrative Law Judge makes a recommendation to the Commission regarding whether the educator has engaged in unprofessional conduct. The Administrative Law Judge submits a Proposed Order to the full Commission. The Proposed Order is advisory to the Commission which is voted on in public session.

What Sanctions May the Commission Impose?

By law, the Commission must permanently revoke or deny a license to educators who are convicted of certain serious felonies listed in ORS 342.143. In other cases, the Commission may revoke, suspend, place on probation or issue a public reprimand, depending on all of the facts and circumstances of the case.

What are the Factors for Imposing Disciplinary Sanctions?

- If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or a series of incidents.
- The likelihood of a recurrence of the misconduct or violation.
- The educator's past performance.
- The extent, severity, and imminence of any danger to students, other educators or the public.
- If the misconduct was open and notorious or had negative effects on the public image of the school.
- The educator's state of mind at the time of the misconduct and afterwards.
- The danger that students will imitate the educator's behavior or use it as a model.
- The age and level of maturity of the students served by the educator.
- Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction.

What Happens When an Order is Adopted by TSPC?

The educator, the educator's school district and the complainant are notified. The Commission maintains records of all disciplined educators. Annually, the list of sanctioned educators is posted on the TSPC website. When an Order is adopted, it is reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) which maintains a national list of disciplined educators.

What Can Educators Do To Avoid Complaints Being Filed With TSPC?

Think about your interaction with students.

- Do you fail to maintain professional physical and emotional boundaries with students?
- Do you flirt with students?
- Do you discuss your personal life with your students?
- Do you telephone students or send emails of a personal nature?
- Do you close your classroom door if you are talking to a student alone?
- Do you transport students in your personal vehicle?
- Do you fail to inform your supervisor and refer to a counselor any student who may have a romantic attachment to you?
- Do you buy gifts for students?

Think about your knowledge of school policies and procedures.

- Do you know the laws, district policies, school rules and your rights?
- Do you know about child abuse reporting law ORS 419B.010?
- Do you know the policies in your school regarding the proper handling of money and finances?
- Do you have clear behavioral management rules?
- Do you know about corporal punishment laws and policies?
- Do you know about confidentiality requirements?
- Do you know your district's Acceptable Use Policy regarding technology, including computers, e-mail and internet access?

Think about your reputation in the community.

- Do you maintain a professional reputation in the community and school district?
- Do you communicate with parents and document that communication?
- Do you engage in behavior in the community that students may use as a positive model?

Actual TSPC Cases - "If I could take back those five minutes..."

Use of school computer equipment to receive, store product or send sexually explicit materials

Educator used classroom computer to access sexually explicit materials on the Internet. Educator downloaded sexually explicit materials, copied materials on school equipment and distributed to other staff.

Finding: Gross Neglect of Duty

Sanction: Suspension & Probation

Any sexual conduct with a student

Educator engaged in sexual behavior with a high school student in the Educator's home. Educator pled guilty to the crime of Official Misconduct and was convicted.

Finding: Gross Neglect of Duty & Gross Unfitness

Sanction: Revocation

Appearing on duty or at any district-sponsored activity while under the influence of alcohol

Educator serving as athletic director attends sports events after consuming alcoholic beverages on two separate occasions. Educator required to enroll in an alcohol treatment program as a part of settlement agreement with TSPC.

Finding: Gross Neglect of Duty

Sanction: Public Reprimand & Probation

Conviction of violation of any federal, state, or local law

Educator convicted of Driving under the Influence of Intoxicants. Educator required by court order to complete alcohol treatment program.

Finding: Gross Unfitness

Sanction: Public Reprimand & Probation

Failure to report and/or investigate suspected child abuse

Administrator failed to protect students from known sexual harassment and sexual conduct by coaches. He failed to investigate allegations of sexual abuse of female students and failed to report suspected child abuse to proper authorities as required by ORS 491B.010.

Finding: Gross Neglect of Duty

Sanction: Revocation

Unreasonable physical force in discipline

Teacher used unreasonable force by striking one student in the back of the head and another in the midsection during instruction time, which was a violation of school district corporal punishment policy. Teacher was convicted of Assault IV in District Court.

Finding: Gross Unfitness

Sanction: Probation