

BP 4000 - ALL PERSONNEL - CONCEPTS AND ROLES

Note: A.S.14.08.101 authorizes regional school boards to appoint, compensate and otherwise control school employees in accordance with the provisions of Title 14 and exempts these employees from A.S. 39.25 (State Personnel Act). 14.08.111 requires regional school boards to employ a chief school administrator, approve the employment of other personnel and establish salaries. Pursuant to 14.14.060 and 14.14.065 borough and city school boards appoint, compensate and otherwise control school employees in accordance with Title 14 and subject to state laws relating to teacher salaries, tenure, financial support, supervision by the Department of Education and other general school laws.

Note: In these policies, unless otherwise noted, the following numbering conventions apply:

Policies in the 4000s apply to ALL PERSONNEL

Policies in the 4100s apply to CERTIFICATED PERSONNEL

Policies in the 4200s apply to CLASSIFIED PERSONNEL

Policies in the 4300s apply to MANAGEMENT AND SUPERVISORY PERSONNEL

The School Board wishes to establish conditions that will attract and retain qualified personnel who will devote themselves to the education and welfare of the students of the district. The School Board believes that successfully orienting and introducing ~~new teachers~~staff to the local community, its cultural activities and norms, is integral and essential to attract and retain quality personnel. To accomplish this objective, the Superintendent or designee shall develop and implement a local community and cultural orientation.

The School Board desires that ~~teachers~~staff pursue excellence within their profession. ~~and The District~~ may provide incentives to ~~teachers~~staff of ~~with~~ demonstrated ability and expertise which will encourage them to stay in the public school system. The School Board recognizes the importance and need for culturally responsive and trauma informed ~~teaching~~education practices which lead to improved ~~student performance and outcomes~~goals and objectives that result in improved student performance and outcomes. The District may provide supports and professional development opportunities to ~~teachers~~staff regarding these practices as a way increasing ~~teacher~~staff efficacy and retention.

Note: A.S. 23.40.250 defines the terms and conditions of employment which are subject to collective bargaining as: "hours of employment, compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of a public employer." Districts should consult legal counsel regarding the scope of negotiations and the district's duty, if any, to bargain.

The School Board believes that its personnel policies must be developed in cooperation with staff and community in an atmosphere of mutual faith and good will. District policies and regulations shall apply only to the extent that they do not conflict with any collective bargaining agreement in effect between the district and its employees.

The School Board affirms its intention to have district policies, regulations and procedures conform to the requirements of state and federal laws and regulations.

The School Board

1. Adopts wage and salary schedules
2. Approves the employment of school personnel.

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3. Determines principles of ~~treatment for employees~~ **employee relations**, such as ~~those in connection with sick leave~~ **accrued leave**, leaves of absence, inservice training, retirement, etc., either through the policies and regulations of the district or through negotiations with employee organizations in accordance with law.
4. Serves as a court of appeals in cases referred by the Superintendent or designee or which may be appealed by employees directly from the Superintendent or designee's decision, or as specified in adopted employee ~~organization~~ **collective** bargaining agreements.

The Superintendent or Designee

1. Nominates for employment all certificated and classified personnel.
2. Recommends disciplinary action, including suspension and dismissal, against employees whenever there is sufficient evidence warranting any such action.
3. With the staff, assigns, directs and supervises the work of all employees with due regard for the individual rights involved.
4. Proposes salary schedules for staff members not covered by ~~an employee organization~~ **collective bargaining** agreement, and advises the School Board throughout negotiations with employee organizations on all matters under negotiations.

(cf. ~~6181-Charter School~~ 10000 *Concepts and Roles*)

Working Relationships Between School Board and Superintendent or Designee

The School Board desires to be guided principally by the advice of the Superintendent or designee in regard to its relations with district personnel.

The School Board shall refer direct approaches from employees for School Board action to the Superintendent or designee for his/her consideration and judgment. The School Board shall act as an appeals body only after receiving the recommendation of the Superintendent or designee.

(cf. 4144/4244/4344 - ~~Grievances/Complaints~~)

The Superintendent or designee shall conduct the district's personnel relations with fair and sound practices in accordance with School Board policy.

Legal Reference:

ALASKA STATUTES

14.08.101 Powers (regional school board)

14.08.111 Duties (regional school board)

14.14.060 Relationship between borough school district and borough

14.14.065 Relationship between city school district and city

14.20.095 Right to comment and criticize not to be restricted

23.40.070-23.40.260 Public Employment Relations Act (PERA)

39.25.110 Exempt service

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BP 4020 - ALL PERSONNEL - DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE

The School Board believes that the maintenance of drug, tobacco, and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance before, during or after school hours at school or in any other district workplace.

For purposes of this policy, “drug” is defined to include, but is not limited to, marijuana or cannabis, in any form; synthetic marijuana or cannabis, in any form; synthetic variations of controlled substances, in any form; prescription medication for which a valid prescription has not been obtained, which is used in amounts in excess of prescribed dosages, or which is used for purposes other than as prescribed, and prescription drugs distributed or dispensed to any person other than the prescription holder.

“Controlled substance” is defined to include any substance identified by federal or state law as controlled.

In the interest of the health and safety of students and employees, it is a violation of this policy for students, staff, parents, visitors, contractors and all others to use, distribute or sell tobacco, products on District premises, at school-sponsored activities on or off District premises and in District-owned, rented or leased vehicles.

"Tobacco" is defined to include any non FDA approved tobacco or nicotine, lighted or unlighted cigarette, electronic cigarette, vape or vaping device, cigar, pipe, bidi, clove cigarette, dissolvable nicotine strips, liquid tobacco or nicotine, and any other smokeless tobacco product, also known as spit tobacco, dip, chew, and snuff, in any form.

~~In the interest of the health and safety of students and employees, it is a violation of this policy for students, staff, parents, visitors, contractors and all others to use, distribute or sell tobacco, any non FDA approved tobacco or nicotine delivery products or devices including but not limited to, cigarettes, cigars, dip, hookah pens, e-cigarettes, and dissolvable nicotine products on~~

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~~District premises, at school-sponsored activities on or off District premises and in District-owned, rented or leased vehicles.¶~~

Tobacco possession is prohibited for all district students and visiting students, as well as for all other visitors under the age of 19.

Alcohol, tobacco, and marijuana advertising is prohibited in all school-sponsored publications, in all school buildings, and at all school-sponsored events. District acceptance of gifts or funds from the alcohol, tobacco, and marijuana industries is similarly prohibited.

Personnel shall not wear clothing depicting tobacco, alcohol, drugs, or controlled substances, and shall not display such items or related slogans on their vehicles, through signage or otherwise, while the vehicle is on District property or at a school sponsored event.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation ~~occurring in the workplace~~ involving drugs, alcohol, or tobacco. For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.
2. Establish a drug, tobacco and alcohol-free awareness program to inform employees about:
 - a. The dangers and costs of drug, tobacco, and alcohol abuse in the workplace.
 - b. The district policy of maintaining drug, tobacco, and alcohol-free workplaces.
 - c. Any available drug, tobacco, and alcohol counseling, rehabilitation, and employee assistance programs, including the free Alaska Tobacco Quitline, and
 - d. The penalties that may be imposed on employees for drug, tobacco, and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to maintain a drug and alcohol-free workplaces throughout the district.

In taking disciplinary action, the Board requires termination when termination is required by law. When termination is not required by law, the Superintendent or designee shall take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency, or a combination of both discipline and mandatory assistance program. Discipline decisions shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

Nothing in this policy shall prohibit the District from conducting its own investigation or from taking appropriate disciplinary action even in the absence of a conviction.

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(cf. 3514 - *Environmental Safety*)

(cf. 4117.4 - *Dismissal*)

(cf. 4118 ~~Dismissal~~/Suspension/Disciplinary Action)

(cf. 4159/4259/4359 - *Employee Assistance Programs*)

(cf. 4158/4258/4358 - *Employee Security*)

(cf. ~~4218.4~~ 4021- *Drug and Alcohol Testing for School Bus Drivers*)

(cf. 5144.1 - *Suspension and Expulsion*/~~Due Process~~)

Legal Reference:

UNITED STATES CODE

THE DRUG-FREE WORKPLACE ACT OF 1988, [41 U.S.C. Ch. 81](#)

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1986, as

amended, U, [20 U.S.C. 7111](#)

CONTROLLED SUBSTANCES ACT, [21 U.S.C. 801](#)

CODE OF FEDERAL REGULATIONS

[21 CFR 1300 - 1316](#)

ALASKA STATUTES

*[17.38](#), *The Regulation of Marijuana**

*[17.38.220](#), *Employers, Driving, Minors, and Control of Property**

*[11.71.010-090](#), *Controlled Substances**

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AASB Policy Reference Manual

**E 4020 DRUG AND ALCOHOL-FREE WORKPLACE – ALL PERSONNEL -
NOTICE TO EMPLOYEES**

Note: Although the passage [AS 17.38](#) authorizes the use of marijuana under certain conditions, it explicitly recognizes the authority of employers to prohibit the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace. Additionally, [AS 17.38](#) does not prevent employers from establishing policies that restrict the use of marijuana by employees. [AS 17.38.120\(a\)](#). Further, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, sale, distribution, or possession of marijuana. For purposes of the district's policy and legal obligation, marijuana is prohibited.

YOU ARE HEREBY NOTIFIED that it is a violation of School Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, marijuana, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students or employees to and from school or school activities; any

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off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Note: Upon notification of a violation, the district must either (1) take appropriate personnel action against the employee, "up to and including termination," or (2) require the employee to satisfactorily participate in an abuse assistance or rehabilitation program.

Note: The names, addresses and telephone numbers of drug and alcohol counseling and rehabilitation programs and/or employee assistance programs available locally to employees may be included in this notice or provided to employees in a separate statement. In addition, information about the dangers of drug and alcohol abuse may be included in this notice or the district may distribute materials obtained from state, local or national anti-abuse organizations to its employees.

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