

Personnel Policy Manual



**As amended and approved by the Board of Directors
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I. PREFACE

These policies, governing the management and operations of EastSide Charter School (“ESCS” or the “School”), have been adopted by the Board of Directors and are intended to contribute to the fulfillment of the mission of the school– to educate children to excel academically and socially. With the guidance of talented and caring teachers, our students can develop the ability to achieve success in a demanding and highly competitive global society.

The Personnel Policy Manual is designed to accomplish several objectives:

- To clarify the responsibilities (not exhaustive) of ESCS employees;
- To define ESCS’s responsibilities regarding the welfare of their employees;
- To assure that the policies are in compliance with the State of Delaware Code relating to Charter Schools; and
- To incorporate all ESCS personnel policies and procedures in one convenient reference manual.

WE RESERVE THE RIGHT TO CHANGE AT ANY TIME.

This Handbook is not intended to constitute a legal contract of any kind. In that context, it is important to understand that Delaware is an “employment at will” state, and that the School has the right to determine in its own best judgment when the employment relationship should end. Nothing in this Handbook should be construed as making a commitment of continuing employment for months, years, or any time period.

In addition, the Board of Directors reserves the right to change all provisions of any rule or policy it issues, including the provisions contained in this Personnel Policy Manual and its Appendices. The Board may do so at any time, in its sole discretion. In order to implement, facilitate, or clarify these policies, the Chief Executive Officer or his/her designee has the right to issue interpretations, so long as those interpretations are not inconsistent with these policies. The Chief Executive Officer also may issue other rules or policies from time to time that are not inconsistent with this Personnel Manual, at his/her discretion. Even though such rules and policies may not be included in this Personnel Policy Manual, they nevertheless will have the same force and effect as all the provisions included in this Personnel Policy Manual. Generally, the Board of Directors must approve any exceptions to these policies.

A. Equal Employment Opportunity

It is the policy of ESCS to provide equal employment opportunity to all employees and applicants for employment, without regard to race, color, national origin, sex (including pregnancy), gender identity, sexual orientation, religion, age, disability, marital status, genetic information, or other protected characteristics, in accordance with applicable federal and state laws. This equal opportunity policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, training, promotion, compensation, and termination from employment.

At ESCS, we have no greater duty than to promote Equal Employment Opportunity. While it is our legal responsibility to comply with applicable state and federal statutes and regulations, the pursuit of diversity and fairness, more importantly, is grounded in the educational goals of our institution.

ESCS are both committed to these principles as an essential part of their institutional mission and as a basic element of sound educational practice. We will continue to actively work to achieve these goals and outcomes through all of our institutional endeavors. Each building's leadership team is primarily responsible for seeing that the equal opportunity policies are implemented, and all members of the staff share in the responsibilities for assuring that, by their personal actions, the policies are effective and apply uniformly to everyone. Employees who have complaints or concerns about any type of discrimination against themselves or others are required to immediately report their concern in writing to the Board of Directors, Director of HR/Talent, or Chief Executive Officer. Every effort will be made to keep such reports as confidential as possible, although it is understood that an investigation normally will require the involvement of third parties. ESCS will not permit any retaliatory conduct against an employee who comes forward with a genuine complaint or concern about discrimination or who assists in the investigation process. For more information, please see Section XI.A.

Non Discrimination & Reasonable Accommodation of Disabilities, Pregnancy, and Religious Practice

It is the policy of ESCS to comply with all applicable provisions of the Americans with Disabilities Act (ADA), as amended, Title VII of the Equal Rights Act of 1964, and the Delaware Discrimination in Employment Act (DDEA). As provided in those statutes, ESCS will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's need for a reasonable accommodation of a religious practice, or a physical or mental disability, or pregnancy and related conditions. ESCS will make reasonable accommodations wherever necessary for all employees to permit their observance of bona fide religious practices, and for employees and applicants with disabilities or who are pregnant or suffer from related conditions, provided that the individual is qualified, with or without reasonable accommodation, to perform the essential duties and assignments of the job and further provided that an accommodation would not impose an undue hardship on ESCS. All requests for accommodations must be submitted in writing to the Chief Executive Officer and Director of HR/Talent.

II. ADMINISTRATIVE ORGANIZATION

A. Organization Chart

All employment positions will be created in accordance with a plan clearly establishing areas of responsibility, decision-making, and lines of authority. The organization will be designed to promote consensus-building, coordination of activities and a supportive environment, with the goal of ensuring that the educational mission of the School is upheld. See Appendix A.

B. Job Descriptions

ESCS will maintain written job descriptions setting forth the duties to be performed in, and the

qualifications required for, each position in the School. Employees may be assigned duties and responsibilities beyond the limits of their job descriptions, as directed by operational needs.

Employees are expected to fulfill all duties as assigned by their immediate supervisor and the Chief Executive Officer.

III. TYPES OF EMPLOYMENT

A. Regular

A regular employee is an individual who occupies a position, on either a full-time or part-time basis, with the expectation that the employee will be in that position for at least one school year. However, ESCS reserve the right at all times to terminate the employment of any employee in accordance with that individual's employment agreement.

Full Time - An employee who regularly works at least 30 hours a week during their contracted work year. Full-time employees may be exempt or non-exempt for purposes of the Fair Labor Standards Act (FLSA), and paid on a salaried or hourly basis.

Part Time - An employee who works on average less than 30 hours per weeks; part-time employees generally are non-exempt and may be paid on an hourly or salaried basis.

B. Temporary

A temporary employee is an individual who occupies a position, on either a full-time or part-time basis, with the expectation that that employee will be in the position for less than one year. If a temporary employee becomes a regular employee, his/her date of employment for calculating entitlement (if any) to employee benefits will be the date he or she became a regular employee.

C. Non-Exempt and Exempt Employees

The classification of employees as exempt or non-exempt is necessary because, under the federal Fair Labor Standards Act (FLSA), employees in certain jobs are entitled to overtime pay for hours worked in excess of (40) hours in a workweek. These employees are referred to as "non-exempt" in this Manual. All hourly employees are classified as non-exempt, as required by the FLSA; salaried employees also may be classified as non-exempt based on the duties of their positions and/or salary level. Generally, exempt employees (who are not entitled to overtime pay) are administrators or members of school leadership.

Note: See Overtime Hours, Section IV.D., for a full description of overtime payment policies.

IV. COMPENSATION AND WORKING HOURS

A. General

It is a basic principle of ESCS's Personnel Policy to establish wages for employees that are competitive in our market place. Compensation also may include signing, incentive, or

performance based bonuses, at the discretion and approval of the Chief Executive Officer.

B. Pay Increases

Subject to the availability of funds, employees may be eligible to receive an increase in compensation based upon performance and tenure. Bonuses for performance or longevity, subject to availability of funds and performance metrics, will be paid in October of the following year for returning staff.

C. Working Hours

The working hours for ESCS employees will be established for the various positions by the Chief Executive Officer or his/her designee. Working hours may vary depending upon operational needs. All employees are expected to adhere to their work schedule as specified by their immediate supervisors. Excessive tardiness, which is defined as being late more than 7 times in a calendar year, will lead to disciplinary action, including but not limited to the following.

- Verbal Warning
- Written Warning
- Suspension Without Pay
- Termination

ESCS may take all, or any, of these disciplinary steps, depending on the circumstances.

D. Overtime Hours

Exempt employees are not entitled to compensation for any overtime that may be required. Non-exempt employees are entitled to overtime compensation if they have exceeded 40 hours of work in a workweek. Non-exempt employees will be paid for overtime hours at a rate of one and one half times their normal rate. Overtime hours may be worked only with the specific, prior approval of the employee's immediate supervisor or the Chief Executive Officer or his/her designee.

E. Paydays

Employees are paid every other Friday (or such other day as the State may determine), in accordance with the schedule of the State of Delaware Finance Department. Payment by direct deposit is mandated by the State of Delaware. During any period in which direct deposit is not available, an employee's pay check may be picked up by another individual only if the employee makes a request in advance, provides a written authorization, and receives approval for the request from the Chief Executive Officer.

F. Payroll Deductions Or Errors

ESCS is required to make payroll deductions for Federal, State and local income taxes, and Social Security (FICA) taxes. The schools must comply with court orders and other legal processes that mandate payroll deductions. State and Federal wage garnishments are processed by the State of Delaware. It is possible that you may or may not be notified in advance of a garnishment.

The school also will make deductions for the employee's share, as authorized in writing by the employee, for participation in certain benefit plans. Employees may occasionally authorize additional payroll deductions for such items as United Way contributions or other miscellaneous obligations approved in advance.

In accordance with the Fair Labor Standards Act, exempt employees paid on a salaried basis may not have their pay reduced for variations in the quality or quantity of work performed, except under special circumstances. The school will make every effort to assure that compensation is handled properly and consistently with both legal and school policy guidelines. Any employee who has a question or concern regarding wage payments should immediately contact the Director of HR/Talent for an explanation or correction. If an error in pay is substantiated it will be corrected as soon as possible.

G. Travel Policy And Procedures

Note that the School's Travel Policies and Procedures as set forth below may be amended at the sole discretion of the School to reflect state and local travel orders related to COVID-19.

When planning travel for school business, employees are expected to:

Request approval from Chief Executive Officer for the trip.

Meet with Director of Finance prior to initial travel to review State regulations regarding travel and expense reporting. In this regard, please note the following:

Each authorized traveler may be permitted a per diem for meals at the discretion of the Chief Executive Officer. Alcoholic beverages and other unauthorized expenses will not be reimbursed.

Receipts for all items purchased should be submitted upon the traveler's return from the trip.

Mileage expenses will be paid at the per mile rate authorized by the State of Delaware for personal automobile use. A beginning and ending location should be noted.

Employees should:

Exercise extreme prudence in spending school funds.

Make daily notations of expenses to avoid unnecessary mistakes or confusion when completing expense reports upon returning from the assignment.

Submit a copy of a trip report together with the employee's expense report to the traveler's supervisor who authorized the trip.

Within a week of return, submit all receipts and reimbursement requests to the Chief Executive Officer.

H. Purchase Authorizations And Reimbursement

Field Trips

Field trip requests should be made by the team lead via the field trip request Google form a minimum of 60 days prior to the date of the field trip. This form includes vendor, time, date, and cost per child. This form goes directly to their Assistant Principal and Leadership Team for approval, before it is sent to the business office for processing, and put on the school calendar. The teacher will be the main point of contact with the vendor and is responsible for coordinating any details with the vendor and sharing all information with Leadership and the Business Office. The teacher is responsible for sending a letter with trip information, cost of the trip, and permission slip to the parents at least 30 days prior to the date of the field trip. Children return the permission slip and payment to the teacher. The teacher submits field trip money with a document listing the students who have paid and the amount received. The money and document are given to the Special Projects Coordinator, who enters receipts directly into Shop Keep. Bagged lunch requests, permission slips, and payments for field trips are due no later than one week prior to trip date. The Director of Operations will confirm the excel sheet matches the amount in ShopKeep when making the monthly deposit.

Other Receipts

Other receipts may include those related to fundraisers, book fairs, yearbook sales and other miscellaneous matters. Elementary school and middle school receipts are processed in the same way as Field Trip Receipts.

Expense Reimbursement

Purchases for School related expenses generally should be made through the Director of Operations Office or by use of a State credit card. When this is not feasible or practical, purchases for School related goods or services may be made by using cash or a personal credit card; such payments will be eligible for reimbursement pursuant to the following policy:

Primary reasons for personal reimbursement

- School-related purchases
- Cell phone use for school-related business for eligible employees
- Mileage for school-related travel
- Professional Development travel

Purchases

1. All purchases or requests for mileage reimbursement must be approved by the Chief Executive Officer in advance through oral, written, or electronic means. All purchases made by or for the Chief Executive Officer are subject to approval by the Finance Chair of the Board of Directors no later than the following month's Finance Committee meeting pursuant to policies adopted by that Committee.
2. A reimbursement form clearly describing the purpose of the expenditure must be completed and submitted to the Chief Executive Officer within 7 business days of the purchase. Receipts for each purchase must be attached to the reimbursement form.

Cell Phone Policy

1. The Chief Executive Officer may determine which staff members are eligible to receive reimbursement for personally-owned cell phones used for school business.
2. In the event an eligible staff member chooses to use a personal cell phone for school business, that person is eligible for a monthly reimbursement of \$50 throughout the school year.
3. Cell phone reimbursement requests must be submitted quarterly (for a 3 month total of no more than \$150) to the Director of Operations.

Mileage

1. Staff members may request reimbursement for miles traveled (and tolls) for school-related business, including transportation to required training or professional development sessions.
2. A reimbursement form must be completed. The date and purpose of the trip must be provided, and the number of miles must be substantiated by a copy of attaching online driving directions. If the trip begins or ends at your home, you MUST deduct normal commuting mileage from the total. Reimbursement will be made at the IRS allowable rate.

Professional Development

1. If a staff member has a supervisor's approval to attend an out-of-state professional development conference, he/she may be reimbursed for up to the federal per diem rate, which can be found at <http://www.gsa.gov/portal/content/110007>).
2. Transportation (including cab fare and parking) also is reimbursable.

Business Office Functions

1. Employees seeking reimbursement will provide the completed reimbursement form to the Director of Operations, which must be signed both by the employee and the Chief Executive Officer. Any supporting receipts and/or paperwork should be attached to the back of the form. (Employee should retain copies of all submitted paperwork.)
2. If the employee has not completed the Employee Vendor Form, the Operations Team will direct them to the following link:
<https://w9.accounting.delaware.gov/EmplVndrForm.aspx>
3. The Director of Operations will process the reimbursement through FSF in a timely manner.

4. After processing the reimbursement, the Director of Operations will file all paperwork associated with the reimbursement.

All reimbursements requested by staff members must be approved by the Chief Executive Officer. All reimbursements requested by the Chief Executive Officer must be approved by the Finance Chair of the Board of Directors during the following month's Finance Committee meeting.

I. Inclement Weather

ESCS follows the policies of the State of Delaware in regard to closings, delayed opening times, and early dismissals due to inclement weather. Detailed information can be found at <http://hrm.omb.delaware.gov/closings/advisory.shtml>, where you also can sign up to receive notification of school closings.

V. EMPLOYEE HIRING – DEVELOPMENT – EVALUATION

A. General

Skills, qualifications, and mind-set will be the primary factors in the process for selecting new personnel to fill available positions. As required by the State of Delaware for individuals working in charter schools, employment offers will be conditioned on the following:

- Satisfactory Background Check (in the event there is a history on the criminal background check, the offer of employment may be withdrawn or the employee may be required to submit to an annual check as a condition of employment)
- Satisfactory Child Protective Registry Check
- TB Test
- Satisfactory Employment References
- Direct Deposit Forms
- Satisfactory Driving Record (essential personnel only)
- Drug Screening (essential personnel only)

B. Employment Procedure

The Chief Executive Officer or his/her designee is authorized to fill positions. Positions may be considered regular or temporary, full-time or part-time, salaried or hourly, and exempt or non-exempt for purposes of the Fair Labor Standards Act. Individuals **MUST** have a Bachelor's degree to be hired as a teacher. Substitutes and Long Term Substitutes are not included.

Title 14, Education – Free Public Schools § 507 Labor relations.

(c) Labor relations between the charter school and its employees shall be governed by Chapter 40 of this title, and a charter school and its employees may agree through the collective bargaining process to abide by other provisions of this title or Code. Except as otherwise provided in this section, all teachers working in charter schools shall hold an appropriate teaching certificate and

license. Notwithstanding the foregoing, for any school year with respect to which there is no "qualified alternative certification," as hereinafter defined, in effect, a charter school may, where it deems it beneficial to the success of its educational program, hire teachers that are not fully certified and licensed so long as such teachers have at least a bachelor's degree in the content area in which they are teaching and comprise no more than 35 percent of the teachers at the school. If teaching 1 or primarily 1 specific content area, a teacher shall have a bachelor's degree in that content area.

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C. Notice of Employment

As soon as is practicable, the Chief Executive Officer or his/her designee will notify an applicant of his/her selection, confirm the applicant's acceptance of the position, and notify other applicants that the position has been filled.

D. New Staff Orientation

The Director of HR/Talent will be responsible for the orientation of all new employees before they begin employment. This orientation will include an explanation of benefits and personnel policies, and the signing of appropriate forms and documents. The Chief Executive Officer or the employee's direct supervisor will describe the daily duties, goals, and expectations of the school.

E. Professional Development

ESCS will assist all regular, full-time teaching and administrative staff in developing their skills, to enable them to become more proficient in performing their duties and responsibilities. Professional development may include, but not be limited to, in-service training sessions conducted by the school's personnel, in-service training conducted by outside consultants, and professional workshops, seminars and conferences. Interested staff members must apply in writing to the Chief Executive Officer for approval to attend. The provision of assistance with professional development will be administered by the Chief Executive Officer and will be subject to the availability of funds. Payment or reimbursement of expenses will be granted only for expenses that are approved in writing, in advance, and only upon the employee's successful completion of the approved activity.

F. Tuition Reimbursement

Generally, the School does not provide tuition reimbursement. In the rare event that the Chief Executive Officer approve such a request, the reimbursement will be granted only if employee has been employed for at least one full year and upon successful completion of the approved course with a grade of a B or better. In that case, the Employee must remain with the School for the remainder of the school year and the following school year. In addition, in the event the employee resigns prior to fulfilling this responsibility, the employee will be responsible for repayment of 100% of the tuition support plus interest at the Applicable Federal Rate (AFR). Prior to providing any tuition reimbursement, the School and the employee are required to enter into a written agreement to reflect these terms. Any payments made by the School may be subject to tax reporting, in accordance with IRS rules.

G. Performance Evaluations And Review Procedure

Performance evaluations are part of the professional development and personal growth of ESCS employees. The purpose and objective of performance evaluations are as follows:

- To recognize and communicate to employees their accomplishments, performance strengths, and weaknesses;
- To identify the employee's specific development needs;
- To coach and support individuals in their ongoing professional development; and
- To develop a specific plan of action to improve employee performance and identify professional development programs designed to enhance the employee's professional skills.

Each employee will be rated on his/her performance based on the requirements and standards of the job in question. Certain positions will receive bi-annual evaluations, while others will receive evaluations on an annual basis. Evaluations are retained in an employee's personnel file and may be reviewed by the employee at appropriate times by making arrangements with the Chief Executive Officer. Personnel files may not be removed from the premises or copied.

Delaware Teacher Growth and Support System

As part of the Teacher Career Pathway, all teachers will be evaluated and receive individual coaching throughout the school year, utilizing the Delaware Teacher Growth and Support System (DTGSS). The DTGSS defines excellent instruction and is the basis for teacher development and feedback. The DTGSS is organized around three performance areas as well as professional performance goals, with subcomponents describing the specific, observable student and teacher behaviors associated with each. At EastSide, we also evaluate professional responsibilities separately to determine overall effectiveness of employees.

Delaware Performance Appraisal System

The Delaware Performance Appraisal System (DPAS) is used for licensed administrators and specialists that are required to be evaluated using this framework by the state of Delaware. The framework requires a goal setting conference by September, a Mid-Year Conference and a Summative Conference at the end of the school year.

Leader Effectiveness Framework

The Leader Effectiveness Framework (LEF) will be used for all staff that do not have a DTGSS or are required to have a DPAS evaluation during the school year. The LEF is designed to give feedback to staff in their roles. A baseline self-assessment is given in the fall and a Mid-Year and End of Year Evaluation is completed by the employee and their manager. While a self assessment is completed at each segment the employee's evaluation rating is based on the manager's scores. The purpose of the self assessment and manager ratings is so that the employee and manager can norm on their scores and discuss areas of difference.

H. Employee Personnel File

Complete records are maintained in each employee's personnel file.

An employee is required to immediately update any personal data, such as street address, phone number, status of drivers' license, criminal charges, emergency information, or change in the number of dependents, using the employee self-service website. All information provided to the school by the employee or applicant will be made a permanent part of the employee's personnel file. If it is determined that an employee made false or misleading statements or did not furnish complete information, the employee may be terminated immediately.

Personnel records will be maintained at all times in a confidential and secure manner. Medical records will be maintained separately from other personnel records. Access to all personnel records will be granted only on a "need to know" basis. All employees have a right to review their personnel files at any appropriate time upon making a written request to the Chief Executive Officer or Director of HR/Talent. Personnel files may not be removed from the premises or copied.

For purposes of employee benefits, W-2, and other tax reporting, employees who resign or are terminated must notify the Director of HR/Talent of any changes in their personal data, such as street address and phone number.

I. References

Upon receiving a written request for a reference, the Director of HR/Talent will confirm an employee's years of experience and last position held. Any such requests should be directed to the Director of HR/Talent.

VI. CHANGES IN EMPLOYMENT STATUS

A. Resignation

Resignation is the voluntary separation of an employee from their school. In order to maintain continuity of operation, employees who intend to resign should give written notice to the Chief Executive Officer or his/her designee no less than 14 days or, in the case of the Chief Executive Officer's resignation, 30 days prior to the employee's anticipated departure date.

B. Transfer

Transfer is the reassignment of an employee from one position to another position without a change in salary or hourly rate. Transfers may be effectuated at the request of the employee (with school approval) or to accommodate the operational needs of the schools. Employees may be transferred within the organization to positions where their skills can be utilized best.

C. Reduction of Personnel

An employee is considered laid-off when his/her employment is terminated for budgetary reasons or because of lack of work, elimination of a position, or other reason set forth in the layoff notification. If it becomes necessary to reduce the number of personnel, all employees who are

laid-off will be given a written notice that clearly states the effective date of the layoff and the reason for the layoff. Employees also will be furnished with information concerning their benefits. In any event, all employees are “at-will” employees unless otherwise specifically provided in a written contract.

D. Demotion

Demotion is the assignment of an employee to a position with a lower salary or hourly rate of pay. Demotions may occur when an employee requests to be demoted or for administrative reasons, such as discipline or when an employee is demoted rather than being laid off due to lack of work or lack of funds.

E. Suspension

Suspension is the administrative and supervisory action taken to suspend an employee from paid duty. Reasons for suspension include but are not limited to a lack of funds, changes in organizational structure, employee request, and disciplinary action. In the case of alleged employee misconduct, the employee may be suspended during an investigation. In cases where an investigation is conducted in connection with, or at the same time as, a judicial or other legal proceeding, the suspension may be extended until the completion of the legal proceeding. Notwithstanding the outcome of any judicial proceeding, ESCS reserves the right to make the final determination of whether to retain or dismiss an employee who may have engaged in misconduct, whether or not ESCS was a party to that misconduct.

F. Termination of Employment

Reasons for dismissal may include, but are not limited to:

- Unsatisfactory performance
- Unsatisfactory attendance and timeliness
- Actions contrary to the best interest of the school
- A change in mission requiring different credentials and/or training
- Any reason or no reason, as determined by the school (Employees are “at-will” employees unless otherwise provided in a written contract)

An employee who believes that he or she was wrongfully terminated may appeal the dismissal by filing a written request. The written request must be provided to the Chief Executive Officer (for all school-based employees) or Board of Directors (for the Chief Executive Officer) within 5 business days of notification of dismissal. The request must include the reason(s) for the request, and all information supporting the claim of wrongful termination. The Chief Executive Officer or Board of Directors, as the case may be, has the authority to accept or dismiss the claim and, if accepting the claim, to uphold or nullify the termination.

G. Separating Employees

All employees leaving the employment of ESCS for any reason will receive a checklist from the

Chief Executive Officer or his/her designee prior to their final work day. The following procedure will be followed in the separation process:

- On the last day the employee is present for work, the Director of HR/Talent will collect from the employee any property for which the employee is responsible and that belongs to the school, *i.e.*, laptop, phone, badge, keys, *etc.*
- The school will advise the employee of, and collect or make arrangements for the collection of, any indebtedness the employee may have to the school.
- The Director of HR/Talent will be responsible for the final interview, which includes an explanation of any separation benefits.

H. Payment of Wages And Leave Upon Separation

ESCS will pay all wages due an employee at the time of his/her separation on the next regularly scheduled payday following that date (including an appropriate, pro-rated payment in the case of ten and eleven month employees who are compensated over 26 biweekly payments). If the employee has any indebtedness to their school, the Director of Finance or his/her designee will arrange with the employee for repayment of the debt.

Teachers that do not hold a current and valid certificate for teaching will incur a \$2000 salary reduction until certification is obtained. License extensions or emergency certifications qualify as “current and Valid” certificates. See Delaware State Regulation 1505 and 1506. Educators are required to hold a certification for the area they are teaching. If they already hold a license and standard certificate in another area, and the school assignment is changed to an area they do not hold certification for, the school must request an emergency certificate within 60 days of the change in job assignment.

In the event of termination for any reason, the school will not pay for any unused sick, vacation or personal time unless otherwise specifically provided for in an employment contract. Employees who transfer to another State agency may be able to transfer unused sick, vacation and personal time.

VII. EMPLOYEE LEAVE POLICY

A. Overview

The goal of ESCS is to provide every student with a high quality education. This is accomplished through the consistent efforts and dedication of highly effective teachers who are in the classroom on a regular basis. However, we understand that, from time to time, a teacher may become ill, have an important appointment, or have to care for a sick friend or family member. To allow for this, all faculty members are allotted a specific number of days off. As an incentive to maintaining outstanding attendance, teacher attendance is part of the Teaching Excellence Framework [MCS1] and is considered in determining annual bonuses.

B. Definitions

10 month employees: Teachers, Counselors, Nurse, Instructional Coach/Leaders and Paras

11 month employees: Assistant Principal, Psychologist and Deans[MCS2]

12 month employees: Executive Leadership Team, Custodial, Business and Main Office Staff
Main Office Staff

An employee’s 10, 11, or 12-month status is specified in the employee’s employment agreement.

C. Working Hours

7:15 AM to 4:30 PM Monday, 7:15 AM to 3:10 PM Tuesday through Friday for all ESCS Employees (plus additional hours as determined by the Chief Executive Officer)

Chief Executive Officer[MCS3]

D. 10-Month Employee

Subject to the requirements of the Family and Medical Leave Act (FMLA) and other applicable laws, 10-Month Employees:

... are permitted to take up to 10 days (combined personal and sick) each school year. Days are not given until employee has reported for work in a contract year[MCS4].

... are not permitted to take more than 2 consecutive sick days off without a doctor’s note, or 2 consecutive personal days off without prior approval from the Chief Executive Officer.

... are not permitted to be absent before or after any school holiday, except in case of illness (in which case, a doctor’s note is required) or bona fide emergency.

... are not permitted to be absent on **blackout days**, which include all Mondays, Fridays, the day before and after a holiday or Professional Development day, Staff Orientation and Professional Development Days, the first two weeks and last two weeks of the school year, and during any state testing days including SBAC and DCAS, except in case of illness (in which case, a doctor’s note is required), bona fide emergency or approval by the CEO.

... who begin after the first day of the 10 month contract year will be provided a prorated number of sick/personal days, based on the percentage of the remaining 10 month year.

E. 11-Month Employees[MCS5]

Subject to the requirements of the Family and Medical Leave Act (FMLA) and other applicable laws, 11-Month Employees:

- ... are permitted to take up to 10 days (combined personal and sick) each school year. Days are not given until an employee has reported for work in a contract year[MCS6].
- ... are not permitted to take more than 2 consecutive days off without a doctor's note, or 2 consecutive personal days off without prior approval from the Chief Executive Officer.
- ... are not permitted to be absent before or after any school holiday except in case of illness (in which case, a doctor's note is required) or bona fide emergency.
- ...
- ... are not permitted to be absent on **blackout days**, which include Mondays, Fridays, the day before and after a holiday or PD day, Staff Orientation and Professional Development Days, the first two weeks and last two weeks of the school year, and during any state testing days including SBAC and DCAS, except in case of illness (in which case, a doctor's note is required), bona fide emergency or approval by the CEO.
- ... who begin after the first day of the 11 month contract year will be provided a prorated number of sick/personal days, based on the percentage of the remaining 11 month year.

F. 12-Month Employees

Subject to the requirements of the Family and Medical Leave Act (FMLA) and other applicable laws, 12-Month Employees:

- ... are permitted to take up to 5 personal days, 5 sick days, and 10 vacation days each school year. Days are not given until an employee has reported for work in a contract year[MCS7].
- ... are not permitted to take more than 2 consecutive sick days off without a doctor's note, or 2 consecutive personal days off without prior approval from the Chief Executive Officer.
- ... are not permitted to be absent before or after any school holiday, except in case of illness (in which case, a doctor's note is required) or bona fide emergency.
- ...
- ... are not permitted to be absent on **blackout days**, which include Mondays, Fridays, the day before and after a holiday or PD day, Staff Orientation and Professional Development Days, the first two weeks and last two weeks of the school year, and during any state testing days including SBAC and DCAS, except in case of illness (in which case, a doctor's note is required), bona fide emergency or approval by the CEO.

... who begin after the first day of the 12 month year will be provided a prorated number of vacation/sick/personal days based on the percentage of the remaining contracted year.

G. Unused Days

H. Unused absences may be rolled over to the following year, however, any time exceeding yearly allotment must be approved by Chief Executive Officer before use. **Approval And Documentation**

Employees must seek approval from their Chief Executive Officer for all 10 mos, late arrivals, and early dismissals. The Chief Executive Officer's approval must be confirmed through the School's absent request system at least 7 days in advance for all planned occurrences, and as soon as possible for all other occurrences. In the event of an emergency occurrence, employees must immediately notify their Chief Executive Officer and receive confirmation (through voice, text, or e-mail). In the event that the Chief Executive Officer cannot be reached, the employee must notify and receive confirmation from another member of the building's Leadership Team.

I. Consequences

Failure to document planned or unplanned absences, early dismissals, and/or late arrivals may result in discipline or loss of pay for the missed work time. A salaried, exempt employee's full-day absence in excess of allotted leave may result in a day's lost pay. The amount of pay lost is determined based on the employee's annual salary, divided by the number of contracted workdays as indicated on that year's Employment Agreement.

Disciplinary consequences will be as follows:

- After 1 missed day over allotment: Verbal Warning
- After 3 missed days over allotment: Written Warning #1 (Email)
- After 6 missed days over allotment: Written Warning #2 (Write-Up)
- After 9 missed days over allotment: Written Warning and Possible Termination

J. Special Exceptions; Bereavement Leave

In extreme circumstances, the Chief Executive Officer has the authority to approve absences or tardiness with no deduction from the employee's pay or leave allotment. A request for such approval must be made within 3 days of the day in question.

Donation of sick time may be approved from employees that have more than 42 rollover days for the catastrophic illness of a recipient or a member of the recipient's family **only**. A "catastrophic illness" for the purpose of this policy is any illness or injury to an employee or to a member of an employee's family which is diagnosed by a physician and certified by the physician as rendering the employee or a member of the employee's family unable to work (or, in the case of a family member who does not work, the medical equivalent of "unable to work") for a period greater than 5 calendar weeks. A "family member" for the purpose of donated leave is the recipient's spouse, son, daughter, or parent who resides with the employee and requires the personal attendance of the employee during the family member's catastrophic illness. Supervisors cannot donate to their subordinate and subordinates cannot donate to their supervisors. For further information on the

donated-leave program, see <https://dhr.delaware.gov/personnel/employee/documents/amended-donated-leave.pdf?ver=0214>

Jury Duty requires documentation and will not be counted towards leave allotments.

Bereavement leave (for up to 5 days) requires documentation and will not be counted towards leave allotments. The Bereavement policy applies for immediate family members, defined as an employee's spouse, parents, step-parents[MCS8], siblings, children, step-children, grandparents, father-in-law, mother-in-law, daughter-in-law, son-in-law, aunt, uncle or grandchild. For any other family member, an employee must take a personal day.

K. Communicable Illness and Potential Exposure to COVID-19

The School will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. That said, the School reserves the right to exclude a person with a communicable illness from campus if the School finds that, based on a medical determination and consultation with Delaware's Department of Health, such restriction is necessary for the welfare of the person who has the communicable illness and/or the welfare of other employees, students or visitors.

The School's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

The Centers for Disease Control indicates that there are dozens of communicable diseases for which the School must take precautions, including potentially isolating an employee from campus to limit the spread. Such diseases include, but are not limited to, COVID-19, measles, mumps, Pertussis, and tuberculosis.

The School will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease and also with any mandates to report an incident of communicable illness to our local department of public health. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

During the COVID-19 pandemic, if an employee or a member of the employee's household experiences any COVID-19 symptoms, including cough, shortness of breath or difficulty breathing, nasal congestion, fatigue, fever, chills, muscle aches, headaches, sore throat, nausea or vomiting, diarrhea, and/or loss of taste or smell, the employee should remain off campus until the symptoms have abated and you are provided clearance by a medical professional that you or your family member are no longer contagious. If these symptoms appear while an employee is on campus, the employee should immediately drive themselves home or to a healthcare facility. If the employee needs assistance with transportation, they should wait in [a designated private area] until a family member or friend can retrieve the employee. The School can arrange to have any personal belongings brought home to them, should the employee receive a positive diagnosis and need to

remain off campus during treatment and recovery.

COVID-19 may also be transmitted by individuals who do not experience any symptoms. For that reason, the School strongly encourages employees to inform their manager of any known exposure to an individual with a COVID-19 diagnosis outside of the employee's household. For the health and welfare of that employee's colleagues and our students, under such circumstances, the employee may be required to work from home or self-isolate for up to 14 days.

According to the Centers for Disease Control, in all cases, employees must follow the guidance of their doctor and our local health department. The decision to stop home isolation should be made in consultation with your healthcare provider and state and local health departments. Some people, for example those with conditions that weaken their immune system, might continue to shed virus even after they recover.

An employee required to quarantine at home should consult the School's Leave Policy in this Section and the FMLA policies in the following Section, for the possibility that the leave may be paid or job protected, should the employee be too ill to work from home or their job responsibilities do not adapt to a teleworking platform.

If you have questions or concerns about communicable illnesses, you are encouraged to contact your manager or the Director of HR for information and referral to appropriate services and resources.

VIII. FAMILY AND MEDICAL LEAVE (FMLA)/ PAID PARENTAL LEAVE

The purpose of this policy is to provide leaves of absence to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). FMLA leave will be administered in accordance with the regulations promulgated under that Act. **If you have questions about this policy or wish to request FMLA leave, please contact the Director of HR/Talent.**

This policy applies to all employees who have (1) worked for the School and any other State agency for at least one year of service (which time need not be consecutive, but generally must be within the prior 7 years) at the time the leave is requested or taken, and (2) completed at least 1,250 hours of service during the 12-month period preceding the leave.

Eligible staff may be granted up to 12 weeks' unpaid leave in a "rolling" 12-month period. The School utilizes a rolling, "**look-back**" calendar to determine eligibility for FMLA Leave, where the prior 12-month period is used to calculate eligibility for FMLA leave. FMLA leave is available for the following purposes:

1. For the birth of an employee's child, or upon placement of a child with the employee for adoption or foster care. This leave must be taken within one year of the birth or placement of the child. Normally, it must be taken in one block of time, unless the Chief Executive Officer or his designee approves special arrangements for "intermittent leave" or a "reduced work schedule."

2. When the employee is needed to care for a child, spouse, domestic partner or parent who has a serious health condition.
3. When the employee is unable to perform his or her functions due to a serious health condition as defined by FMLA.

In addition, employees may be eligible for leave due to certain family and medical events as specified in the Military FMLA Policy, below.

The School will require that you use accrued personal, sick and vacation leave benefits for all or part of this unpaid FMLA leave, so long as you qualify for the paid leave under the School's policies. Any such time will count as FMLA leave. The total leave available under this policy in a benefit year is not to exceed 12 weeks.

Special rules apply to teachers regarding the taking of intermittent leave or leave on a reduced leave schedule, and leave taken near the end of an academic term (*i.e.*, within 5 weeks of the end of the term). Special rules regarding restoration to an equivalent position apply to all employees of the School, and allow the School to restore or reinstate employees in accordance with its regular rules and policies. For example, an employee who takes FMLA at or about the end of an academic year will not have a right to reinstatement in the next academic year if the employee's is not offered a contract for the next year, in accordance with the School's normal procedures. For more information, please contact the Director of HR/Talent.

Should an employee fail to return to work after the expiration of his or her leave, he or she will be required to refund the School any health insurance contributions made on his or her behalf during the period of leave.

If the need for leave is foreseeable, the School should be notified in writing at least 30 days prior to the date the leave is to begin. If the need is unforeseeable, the employee should provide as much notice as possible under the circumstances. If the leave is needed due to a serious health condition, whether the employee's or that of a family member, the employee will need to provide the School with a licensed health care provider's certification to support the need for leave.

Military Family and Medical Leave Act

To qualify for leave under the Military Family and Medical Leave Act, an employee must be eligible for traditional FMLA leave (described above) and:

- be either the parent (or stand in *loco parentis*), spouse, son, or daughter of a service member in the National Guard or a Reserve component of the Armed Forces, or of an Armed Forces retiree who is on active duty (or has been notified of an impending call or order , to active duty) in the Armed Forces in support of a contingency operation; or
- be the parent (or stand in *loco parentis*), spouse, son, daughter, or next of kin of a covered service member undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient

status or on the temporary disability retired list due to a serious injury or illness.

Unless specifically stated otherwise, the procedures, notices, rights and responsibilities described above as part of the School's policy for traditional FMLA leave also apply to Military FMLA leave.

Under the military FMLA policy, the School provides eligible employees with:

- up to 12 workweeks of unpaid, job-protected leave in a 12-month period because of a qualifying exigency, or
- up to 26 workweeks of unpaid, job-protected leave for eligible employees within a single 12-month period to care for a covered service member with a serious illness or injury.

Eligible employees may take military FMLA leave for any of the following reasons:

- because of any qualifying exigency (such as making different day care arrangements for the military member's children or attending official military ceremonies as your family member prepares to deploy) arising out of the fact that a son, daughter, spouse, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. This leave is limited to relatives of National Guard and Reserve service members and of Armed Forces retirees who are in federal service.
- to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of the covered service member. This leave does not cover relatives of veterans or service members on the permanent disability retired list.

A covered service member is one who is undergoing medical treatment, recuperation, or therapy, who otherwise is in outpatient status or is on the temporary disability retired list, due to a serious injury or illness. The serious injury or illness is covered if it was incurred while in the line of duty and renders the service member medically unfit to perform his/her military duties. The School will rely on authorized health care providers or designated officials in the Department of Defense to determine whether the service member is properly deemed to be a covered service member.

When the need for military caregiver leave is foreseeable, as with traditional FMLA leave, an employee must provide the School at least 30 days' advance notice before the leave is to begin. If 30 days' notice is not practicable, notice must be given as soon as practicable. "As soon as practicable" means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

Requests for Military FMLA leave must be supported by either (i) the Certification of Qualifying

Exigency for Military Family Leave, or (ii) the Certification for Serious Injury or Illness of a Covered Service Member.

The first time an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military that confirms that the covered military member is on active duty or called.

PAID PARENTAL LEAVE POLICY

PAID LEAVE FOR BIRTH OR ADOPTION OF A CHILD

I. Purpose

The purpose of this policy is to permit eligible employees to exercise their right to take paid leave upon the birth or adoption of a child pursuant to Section 1333 of Title 14 of the Delaware Code ("Section 1333"). Paid parental leave will be administered in accordance with Section 1333.

II. Definitions

A. Full-Time Employee means a 10 Month, 11 Month or 12 Month Employee of the School requiring 30 or more hours of work during a standard workweek.

B. 12 weeks of paid leave means 12 work weeks. The fact that a holiday may occur within a week of paid leave has no effect in that the week counts as a week of paid leave. If, however, an employee is not expected to work for an entire week (e.g. school closing for Winter Holiday, Spring Break, or Summer Break), the week does not count against the employee's paid leave entitlement.

C. The School refers to each of the Charter School of New Castle and EastSide Charter School.

D. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. In the case of a 10 Month or 11 Month Employee paid leave taken for a period ending at the end of a school year, and resuming at the beginning of the following school year, is leave taken consecutively rather than intermittently.

E. Parent means legal parent as evidenced by birth certificate, adoption documents, court order, or other legal documents.

F. Multiple births/adoptions means more than one child is born from the same pregnancy, or more than 1 child who is 6 years old or younger adopted through the same adoption process, or on the same date.

G. FMLA refers to the Family Medical Leave Act.

H. STD refers to Short Term Disability.

I. Written Notice means written notice to the School's Human Resources Department.

III. Paid Leave Entitlement

A. A Full-Time Employee employed by the School for at least 12 consecutive months immediately prior to the date of the birth or adoption of a child of the employee shall be entitled to 12 weeks of paid leave upon the birth of the child, or upon adoption of a child who is 6 years old or younger. The birth of a child, or adoption of a child, must occur on or after April 1, 2019. Multiple births/adoptions do not increase the length of paid leave. An employee's entitlement to paid leave is determined on the date of the birth of a child, or adoption of a child.

B. Paid leave is for the purpose of caring for and bonding with the child. If, for whatever reason, the child is no longer in the care of the employee, the paid leave shall terminate.

C. The entitlement to paid leave shall expire at the end of the 12-month period beginning on the date of the birth or adoption creating the entitlement to paid leave. If, for example, an employee entitled to paid leave takes 6 weeks of paid leave during this 12-month period, there will be no entitlement to take the remaining 6 weeks of paid leave subsequent to the expiration of the 12-month period following the birth or adoption creating the entitlement to paid leave. If an employee receiving paid leave terminates employment prior to the end of the 12-month period, there shall be no payment for unused paid leave.

D. For employees who are 10 Month or 11 Month Employees, paid leave must be taken over consecutive weeks up to a maximum of 12 weeks. Leave shall begin on the date of birth of the baby for non-birthing parent. Birthing parent shall begin on date of birth or disability. For example, bed rest or unable to work per doctors' orders. In the case of 12 Month Employees, in the discretion of the CEO, paid leave may be taken in intermittent blocks of time if necessary to meet work requirements.

E. If two School employees are eligible for paid leave for the same birth or adoption, each of the employees is eligible for 12 weeks of paid leave, which must be taken consecutively. Paid leave for the employees ends at the expiration of the 12-week period beginning on the date of the birth or adoption.

IV. Right to Use Accumulated Sick Leave

A. All employees may use accumulated sick leave upon the birth or adoption of a child pursuant to Section 1333(c) with the proper medical documentation.

V. Impact on FMLA Leave Entitlement and STD

The use of paid leave, or the use of accumulated sick leave under § 1333(c), shall run concurrently with FMLA leave, and STD. If, for example, a Full-Time Employee uses 12 weeks of paid leave, the use of the 12 weeks of paid leave will also result in the use of 12 weeks of FMLA leave. When the use of paid leave runs concurrently with STD, STD shall pay 75% of the employee's salary, and paid leave shall pay 25% of the employee's salary.

VI. Notice and Certification

If an employee intends to take paid leave upon the birth of the employee's child, the employee

shall provide the School written notice of intent to take paid leave at least 30 days' in advance of the expected date of birth. The date of birth shall govern the start of the 12 month period during which the paid leave may be taken.

A. If an employee intends to take paid leave based upon the adoption of a child, the employee must provide written notice of intent to take paid leave at least 30 days' in advance of the adoption if the date of the adoption is foreseeable. If the date of the adoption is not foreseeable, the employee shall provide the School written notice of the date of adoption as soon as practicable.

B. If an employee requests paid leave based upon the birth or adoption of a child, the employee shall provide documentation of the birth or adoption within 30 days of the birth or adoption, or as soon as documentation is available. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Situations where a legal document cannot be provided at the time of birth or adoption, or within a reasonable time thereafter, will be considered on a case-by-case basis by the Human Resources Department. Legal documents considered include a report of birth, a birth certificate, and an adoption order. The documents provided shall show the date of the birth or adoption, the age of the adopted child, and name of the parent(s). An employee's stepchild is not the child of the employee, unless the employee adopts the stepchild, at which time the leave will be granted per the adoption date.

C. The School may not alter or terminate the benefits of or terminate the employment of any employee as a result of taking leave pursuant to this policy.

VII. Amendment or Repeal of Section 1333

The School Board reserves the right to revise or rescind this policy if permitted by Section 1333. If Section 1333 is amended, the policy will be revised to conform the policy to the amendment. If Section 1333 is repealed, this policy is null and void.

VIII. Effective Date

This policy takes effect on April 1, 2019.

IX. MILITARY DUTY LEAVE

Employees who are inducted into or enlist in the Armed Forces of the United States, or are called to duty as a member of a reserve or other military unit, may take an unpaid leave in accordance with applicable law. The employee must provide advance notice of his or her need for a military leave as soon as the employee is aware of such obligation and is able to provide notice. The School will require a copy of the employee's orders, which will be kept on record.

Service members may (but are not required) to use accrued vacation, sick or annual leave while performing military duty. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay *up to* 102 percent of the full premium. For military service of less than 31 days, health care coverage will be provided as if the service member had remained employed.

Individuals returning from military duty may be required to re-apply for employment, depending

on the length of their military service. For service of less than 31 days, the service member will not be required to re-apply, but must return at the beginning of the first full regularly scheduled workday after his or her release from service. The time when an employee must return from service will take into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of his or her release from service. For service of more than 180 days, the service member must submit an application for reemployment within 90 days of his or her release from service.

Upon return from military leave, employees will be reinstated as required by law, and benefits will be reinstated with no waiting periods.

X. BENEFITS FOR REGULAR FULL-TIME SALARIED EMPLOYEES

A. Insurance and Other Programs

ESCS and ESCS currently offer to all regular, full-time, salaried employees the benefit programs listed below. Employees may be required to pay some or all of the costs of benefit programs. Participation in all plans is subject to the applicable eligibility requirements, as determined by the State. Any employee who wishes to participate in a group plan must, before coverage under the plan can begin, complete membership enrollment forms and submit dependent verifications, i.e., marriage license, birth certificates for children if applicable, and social security cards for all dependents. If the appropriate forms are submitted timely, coverage under the group health plan may commence immediately (in which case the employee will be responsible for the costs of coverage for the first 90 days) or upon the employee's fulfillment of 90 days of employment (in which case, the employee will pay only a share of the costs of coverage). Coverage may be delayed or denied if the employee does not submit the information required in timely fashion. The employee's share of any costs of coverage and other terms and conditions of available benefits will be determined in accordance with the policies of the State of Delaware.

Available employee benefits include:

- Health Insurance
- Dental Insurance
- Group Life Insurance
- Dependent Life Insurance (upon request)
- Critical Illness Insurance (Aflac)
- FLEX Payment Plan for uncovered medical expenses
- Disability Insurance; and
- Employee Assistance Program (EAP)\

B. Retirement and Savings Plans

1. *Pension Plan*

All regular, full-time, salaried employees of ESCS are required as a condition of employment to participate in the State of Delaware's Pension Plan, which requires mandatory contributions by the

employee. Refer to the Summary Plan Description for details regarding the State Pension Plan.

2. ***Retirement Plans***

Full-time employees are eligible to participate in the deferred compensation plans offered by the State of Delaware, beginning on their first day of employment, in accordance with the terms of the plans. It is the employee's responsibility to sign up for one of these plans if the employee chooses to participate. The State currently offers a 457(b) plan (for pension-eligible employees) and a 403(b) plan (for all employees, regardless of pension-eligibility). Employees may enroll in the plans at any time.

For additional information, contact the Director of HR/Talent.

3. ***Worker's Compensation***

Employees of ESCS are covered under Delaware's Workers' Compensation Laws in the event of occupational injury or illness. Should any injury or illness (treatable or not) occur on account of and in the performance of assigned tasks for ESCS, an employee must notify the Chief Executive Officer and school nurse immediately. Failure to report a work-related illness or injury within 24 hours may result in loss of workers' compensation benefits.

Workers Compensation policy requires a 3-day waiting period after the date of injury pending the employee goes directly to the doctor or med express. During those 3 days the employee must use any sick or vacation time for compensation until the claim has been approved. Once the claim is approved and/if the employee needs to be out for 7 days or more the insurance company will pay for the 1st day of missed work to include weekends. If the employee is not out of work for 7 days or more the insurance company will only pay for the days missed between the 3rd-6th day. For approved claims, the Workers Comp Insurance will pay 66 2/3 percent of the employee's average weekly wage, and ESCS will make up the difference.

XI. CODE OF CONDUCT AND PROFESSIONAL RESPONSIBILITY

A. Mutual Expectations: Professionalism, Ethical Behavior, And Treatment of Others

We expect that every employee will:

- present a professional appearance;
- be honest and forthright in words and actions;
- act in a pleasant and courteous manner;
- be responsible and timely in reporting to work and carrying out assigned tasks and responsibilities;
- apply necessary job skills and knowledge to effect efficient and accurate work performance; and
- maintain a positive attitude.

We also expect cooperation, teamwork and thoughtful support towards co-workers, colleagues, students, and guests of the School. We expect all employees to follow safe work practices and look out for the well-being of others. In other words, we expect your commitment to do your best in support of the mission of the School and all those seeking to further it. *These expectations are essential and will inform employee performance evaluations and decisions regarding continuing employment.*

B. Policy Against Sexual And Other Harassment Or Discrimination

Discrimination, sexual harassment, or harassment based on other legally protected characteristics, such as race, national origin, color, religion, disability, sex (including pregnancy), gender identity and expression, sexual orientation, genetic information, and marital status, is a violation of state and/or federal law and is strictly forbidden by ESCS. In keeping with that policy, the school will not discriminate against its employees and will not tolerate sexual or other harassment by supervisors, co-workers or third parties, whether or not it arises to the level of a legal violation.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or based on sex, sexual orientation, or gender identity constitutes sexual harassment when as defined under the School's Title IX Policy, set forth in Appendix F which applies to all School employees.

Other forms of harassment consist of unwelcomed conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, color, national origin, sex (including pregnancy), gender identity, sexual orientation, religion, age, disability, marital status, or other protected status. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her protected status or that of his or her relatives, friends, or associates.

It is reasonable to assume that most unintentional offensive behaviors can be eliminated by the simple and confidential approach of asking the offending person to stop the behavior that is considered to be personally offensive. However, no employee is required to make such a request before reporting the offensive conduct to the administration, or to remain silent and accept repeated improper treatment.

Any employee or applicant who feels that he or she has been the victim of sexual or other harassment or discrimination must immediately report such incidents to the Title IX Coordinator (in the case of sexual harassment) or Chief Executive Officer or Director of HR/Talent.

The School's Title IX Coordinator is:

CONTACT INFORMATION

All such reports will be investigated promptly and thoroughly and, to the extent possible, will be treated as confidential. If improper conduct is substantiated, the school will take appropriate action. If you have witnessed or experienced sexual harassment, inform a manager, or human resources as soon as possible.

Harassment may also be reported to the Delaware Department of Labor Office of Anti-

Discrimination. Call 302-761-8200 or 302-424-1134 or visit <https://dia.delawareworks.com/discrimination/> to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.

ESCS policy also forbids any reprisal against employees who make a good faith report of sexual or other wrongful harassment or discrimination, or against those individuals who assist in an investigation regarding alleged discrimination or harassment. Retaliation in any form is a serious violation of this policy, and should be reported immediately to the Chief Executive Officer or Director of HR/Talent.

Reports or Formal Complaints of Title IX sexual harassment will be investigated under the School's Title IX Policy. For all other allegations of harassment, including those that do not fall under the definition of Title IX sexual harassment, the Chief Executive Officer is responsible for immediately investigating (in as confidential a manner as possible), documenting and, when appropriate, consulting with ESCS's legal counsel to resolve complaints of harassment and discrimination. In determining what action to take, the Chief Executive Officer will consider the totality of the circumstances including the nature of the alleged harassment or discrimination, the context in which the alleged incidents occurred, the alleged offender's statement, and those by any witnesses or individuals who have information relevant to the complaint. The Board of Directors is responsible to supervise the Chief Executive Officer's administration of this policy.

ESCS considers sexual or other harassment or discrimination to be a major offense. If it is concluded that an employee has been the victim of such acts, ESCS will immediately take appropriate, corrective action by disciplining or dismissing the offender, among other actions.

C. Drug And Alcohol Free Workplace Policy

ESCS intend to provide a safe work environment that is free from drugs, alcohol, and other disruptions that might affect our daily operations. Each school's management will take every reasonable measure to remove any employee under the influence of drugs or alcohol from our work place. The School expects all employees to come to work each day with a clear head and in a fit condition to perform their work.

The Schools have the right to request a drug or alcohol test of an employee who is believed to be under the influence. A school employee will drive the employee in question directly to the drug and/or alcohol testing facility. Further, we will offer help and encouragement to any employee who seeks assistance prior to any drug or alcohol-related incident to overcome a drug abuse or alcohol problem. Such requests, however, shall not be a means to avoid discipline for drug or alcohol-related incidents or other performance problems.

ESCS recognizes drug or alcohol dependency as a major health problem. The School also recognizes drug or alcohol dependency as a potential health, safety, and security problem. Employees who need help in dealing with such problems are encouraged to use the State's employee assistance program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job. It is the responsibility of the School Leadership Team to make employees aware of the State program. It is not the responsibility of the

School to diagnose personal or medical problems; however, supervisors should advise employees who are experiencing personal or work-related difficulties about available resources for getting assistance. Everyone shares in the responsibility for maintaining a safe work environment and co-workers should encourage anyone with such problems to seek assistance.

It is a violation of School policy for any employee to possess, sell, trade, manufacture, distribute or use alcohol or illegal drugs on School premises or while conducting School business.

It is a violation of School policy for anyone to report for work under the influence of drugs or alcohol.

It is a violation of School policy for any employee to use prescription drugs other than as prescribed. (However, nothing in this policy precludes the appropriate use of legally prescribed medications).

Violators of this policy are subject to disciplinary action, up to and including discharge.

In regard to certain positions, applicants will be notified in writing during the interview process and/or as a part of the offer letter that, if an offer of employment is made and accepted, a drug screen can be performed. Prospective employees also will be notified that they have the right to refuse such testing, but that a refusal will be considered withdrawal of their application or acceptance of an offer of employment. Applicants will not be hired or, if already working, will be terminated if test results confirm the presence of illegal or unauthorized drugs in their systems.

Federal law requires that each employee receive personal notification of this policy. A receipt and acknowledgement form will be signed by each employee, upon receipt of this Policy Manual.

The School, by a variety of means, will keep employees continually aware of the drug free work place policy.

D. Drug Convictions - Notification Requirements

Any employee who is convicted of a drug violation is required to notify the School within five (5) days of such conviction.

The School is required to notify the federal compliance office within ten (10) days of such notification by an employee. Records of notifications will be kept in a confidential file separate from the employee's main personnel record.

The School is required by law to notify the compliance office that the School will comply with the provisions of the Drug Free Workplace Act of 1988.

E. Smoking

Smoking is not permitted on the School campus. In consideration of the reports of the Surgeon General of the United States and in keeping with our intent to provide a safe and healthy work environment, smoking as well as the use of any tobacco related product is prohibited at all times on the School grounds or while conducting School business.

F. Use of School Property

School property (e.g., a laptop computer) is only for School use. In some instances, employees may be allowed to borrow certain ESCS or ESCS equipment for their own personal use while off school premises. In no instance may this be done without prior management approval. ESCS or ESCS is not liable for any personal injury incurred during the use of school property for personal projects. Employees are responsible for maintaining all equipment in good condition. Upon resignation or termination, an employee's last paycheck will be delivered to the school to ensure school property is returned.

If a former employee leaves **Personal Property** at ESCS each item valued at over \$20 market value, must be retained by ESCS for a period of 5 years (as required by Delaware law under its escheat statute) and, if after notice the employee still fails to come for the property, ESCS will turn it over to the State.

G. Personal Misconduct

Negligent or fraudulent handling of ESCS funds, neglect of duties, incompetence or insubordination, discourteous treatment of the school community or public, and any other personal conduct that adversely affects the best interest of the school are considered grounds for dismissal of an employee.

H. Violence In The Workplace

ESCS have adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the school or which occur on school property will not be tolerated.

Acts or threats of violence include conduct that creates a hostile, abusive, or intimidating work environment for one or more employees. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on school premises, regardless of the relationship between the school and the parties involved.
- All threats or acts of violence occurring off school premises that involve an individual who is engaged in school business or participating in a school-sponsored event.

Specific examples of conduct that will be considered threats or acts of violence include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.

- Intentional destruction of, or threatening to destroy, school property.
- Making harassing or threatening phone calls, or sending such messages by email or posting such message on social media.
- Harassing surveillance or stalking (following or watching someone).
- Unauthorized possession, or inappropriate use, of firearms or weapons.

ESCS’s prohibition of threats and acts of violence applies to all persons involved in the school operations, including but not limited to personnel, contractors, temporary workers, and anyone else on school property. Violations of this policy may lead to disciplinary action, up to and including termination, and/or legal action as appropriate. Every employee is encouraged to report any threats or acts of physical violence of which he/she is aware. The report should be made to your Chief Executive Officer.

I. Corporal Punishment/Abuse

The schools do not permit corporal punishment or any other form of overt abuse (whether physical or verbal) of students. As required by law, any abuse of a child must be reported immediately to the Chief Executive Officer or Board of Directors. Anyone perpetrating such abuse is subject to immediate dismissal. If there is ever an incident where a child needs to be restrained because the child is causing harm to either him/herself or others, please notify a culture team member or administrator to address the situation as these individuals are properly trained for such situations.

J. Notice of Electronic Monitoring

ESCS reserve the right to monitor and/or record any electronic use or communication, whether internal or external, including e-mail, internet use, telephone, voice-mail, facsimile, or the like, that is created, sent, received or stored in or using School property. Periodic checks may be made of all terminals to monitor usage of internet and e-mail. You should not expect privacy with regard to these School-owned assets and should use them only for School business in accordance with School policies.

K. Investigating Employee Misconduct

The School reserves the right to investigate employee misconduct by searching, at its discretion, any and all persons, locations and items on school-owned or operated property. Such locations and items will include, but not be limited to, the following: offices, lockers, files, furniture, briefcases, purses, lunch bags, personally owned vehicles on school property, e-mail, and voice-mail. All searches will be conducted in as private a manner as practicable at the time.

All offices, lockers, furniture, vehicles, computer systems, e-mail and voice-mail that are owned by the schools are the property of ESCS. A copy of any keys, combinations or passwords for locks, offices, furniture, school operated vehicles, school owned computer systems, e-mail and voice-mail must be provided to the Chief Executive Officer or his/her designee before they are used or put in place.

L. Open Door Policy

Everyone at ESCS are involved in the same mission. If you have problems or concerns that inhibit your earnest pursuit of those objectives, or if you have ideas or needs that you feel will improve your pursuit of those objective, you are encouraged to discuss those with your supervisor or other members of the administration. Furthermore, if you remain unsatisfied with the response, you should feel free to address the issues, as appropriate, with anyone else in a leadership position at the School, up to and including the Chief Executive Officer. The School succeeds because individuals collectively succeed; you should use the resources available to you to continue to ensure that success.

M. Social Media

This policy provides guidance for employee use of social media, which should be broadly interpreted and understood to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

The following principles apply to use of social media on behalf of ESCS:

Employees need to be familiar with and adhere to the school personnel policy manual, and other school policies when using social media on behalf of ESCS.

Employees should be aware of the effect their actions may have on their images, as well as that of the school's image. The information that employees post or publish may be public information for a long time.

Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

Employees are not to publish, post or release any information that is considered proprietary/confidential or not public regarding the school's methods and methodologies and its students. If there are questions about what is considered confidential, employees should check with the Human Resources Department and/or their supervisors.

Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer any requests for a statement by the School to authorized school leadership.

Employees should obtain permission before referring to or posting images of current or former employees, members, vendors or suppliers. Additionally, employees must obtain permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.

Employee images may be used for official school media, brochures, social media or any communication about the organization.

In regard to employees' use of their personal social media sites, please observe the following:

Employees are not to publish or post any pictures of current or former students on their personal social media sites, or share information regarding students.

Employees may not friend, link to, direct message, or otherwise directly engage with current students on social media accounts.

Social media use should not interfere with an employee's responsibilities at ESCS. The school computer systems are to be used for business purposes only. Personal use of the school's social media networks is not permitted and could result in disciplinary action.

In regard to your use of personal social media accounts, the following principles apply:

Do not make or engage in discriminatory remarks, harassment, bullying, threats of violence and similar inappropriate behavior that is not tolerated in the workplace. We encourage employees to resolve workplace grievances internally, and ask that they refrain from posting comments and materials that could be viewed as malicious, obscene, threatening, intimidating or that could create a hostile environment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion or any other status protected by law if you choose to address a grievance using social media.

Do not make statements on behalf of ESCS without authorization, or make statements that could be construed as establishing the school's official position or policy on any particular issue.

Do not use work time to access or use your personal social media accounts or do so using School equipment, unless you have secured prior authorization to do so.

N. Remote Learning and Maintaining Professional Boundaries with Students

In the event the School should ever have to close the campus for any unanticipated reason, such as a natural disaster or a pandemic, the School may decide to make good faith efforts to continue to provide an education to our students and asks for our employees' cooperation and agreement to carry out those efforts. Such efforts may include modifications to usual practices, including the methods used to deliver education, vacation schedules, and even to the school term or year. Examples of modifications might be distance-learning and extending our active term into periods that normally are considered vacation periods. In extreme circumstances, the School might even find ourselves in a position that we have to close the School, shorten the school term/year, or pro-rate salaries.

Teachers and staff in particular are reminded that during the shift to remote learning, it is especially important to maintain awareness of their professional roles. The shift to

electronic communications and digital learning has the potential to strain roles and erode boundaries when it comes to interacting with students (and colleagues).

One-on-one communications with students should be as transparent and unambiguous as possible and should be scheduled and time-limited, with both parents and administrators being aware of the schedule. Unless there is an exigent reason to do so, any one-on-one sessions with students should be scheduled during the traditional school day and not in the evenings or on weekends. If anything concerning arises in the course of such communications, it should be immediately shared, as appropriate, with parents, counselors, and administrators.

Teachers and staff also need to take care of themselves. We understand that our employees are not immune to the stresses related to a remote environment and thus need to be alert to how personal and family situations are impacting interactions with students. It is common in these times to share details of our personal lives with colleagues, friends, and family. Yet, since students are not colleagues, friends, or family, excessive self-disclosure is a boundary issue that can contribute to role confusion.

If a student is in distress, the educator should immediately notify the student's parents, the school's counselor, and appropriate administrators. A group decision can then be made how to appropriately support the student.

O. Confidentiality Of Student Information

ESCS are both committed to protecting the confidentiality of student records and other non-public information regarding our students and operations. Employees must ensure that non-public, sensitive information about students, their families, and other School community members is held in confidence. Please be aware that this duty of confidentiality applies, even after you have left employment with ESCS.

P. Conflict Of Interest

All individuals serving ESCS, including the Board of Directors, administrators, faculty and staff of the School, are expected at all times to act in a manner consistent with their fiduciary and employment responsibilities and to exercise particular care regarding potential conflicts, or even the appearance of potential conflicts, between their interests and those of the School as provided in this policy.

Scope of Policy

For purposes of this policy, a Director, administrator, faculty or staff member is considered to have a potential conflict of interest when the individual, or any of his or her family, close relatives or business associates, are materially involved with:

- (1) an existing or potential financial or other interest which impairs or might otherwise appear to affect the individual's independence of judgment in the discharge of his or her responsibilities to the School.
- (2) a financial or other benefit from knowledge of information or sharing of information confidential to the School, including any use of the School's image, seal, logo or other recognizable service marks.
- (3) representation of the School or a third party in any transaction or activity affecting the School in which the individual, directly or indirectly, has a material financial interest.
- (4) acceptance of gifts or favors from any firm or individual which does or seeks to do business with the school under circumstances which imply reasonably that such action is intended to influence the individual in the performance of his or her duties.

Where a potential conflict of interest exists, it is the responsibility of the person involved (or any other person with such knowledge) to notify the Chief Executive Officer or, as appropriate, the Board of Directors, of the circumstances resulting in the potential conflict so that the Board can provide guidance and take action as it deems appropriate. All such disclosures should take place in advance of any contemplated contract, transaction or transfer of interests.

XII. ADMINISTRATIVE HANDLING OF MONIES

Only individuals authorized in accordance with school protocols may handle any school monies.

XIII. SAFETY

A. General Employee Safety

ESCS is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees. ESCS will maintain safety and health practices consistent with the needs of our industry, including those that may be in effect related to COVID-19. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your Chief Executive Officer for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules, including the School's COVID-19 protocols, is considered a condition of employment. Therefore, it is a requirement that each Chief Executive Officer make the safety of employees an integral part of her/his regular management functions. It is the responsibility of each employee to accept and follow established safety regulations and procedures. ESCS requires that you communicate with your Chief Executive Officer regarding safety issues.

B. Reporting Safety Issues

All accidents, injuries, potential safety hazards, safety suggestions and health and safety-related issues must be reported immediately to your Chief Executive Officer or designee. If you or another employee is injured, you should contact outside emergency response agencies, if needed. If an injury does not require medical attention, a Chief Executive Officer still must be notified and

an Employee Report of Accident Form must be completed, in case medical treatment is needed later and to insure that any existing safety hazards are corrected. The Employee's Claim for Worker's Compensation Benefits Form must be completed in all cases in which an injury requires medical attention.

Federal law (the Occupational Safety and Health Act, or "OSHA") requires that we keep records of all illnesses and accidents that occur during the workday. OSHA also provides for your right to know about any health hazards that might be present on the job.

The State Workers' Compensation Act requires that you report any workplace illness or injury within 24 hours, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits.

We strongly encourage employee participation and your input on health and safety matters. Employees may report potential hazards and make suggestions about safety without fear of retaliation. We appreciate, encourage and expect this type of involvement! The success of the safety program relies on the participation of all employees. Though it is the school's responsibility to provide for the safety, health and security of its workers during working hours, it is the responsibility of each employee to abide by the rules, regulations and guidelines set forth. Remember, failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary actions.

If you have questions or concerns, contact your Chief Executive Officer or designee for more information

C. Parking Lot

You are encouraged to use the parking areas designated for our employees. Remember to lock your car every day and park within the specified areas. Please do not park in fire lanes or other prohibited spaces.

Courtesy and common sense in parking will help eliminate accidents, personal injuries and damages to employee vehicles. If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may have, to your Chief Executive Officer or designee. ESCS cannot be and is not responsible for any loss, theft or damage to your vehicle or any of its contents.

D. Transportation of Students

At no time are any students allowed in a staff vehicle without prior written approval from a parent and the Chief Executive Officer/Chief Executive Officer

E. Prohibition of Weapons in the Workplace

ESCS believes it is important to establish a clear policy that addresses weapons in the workplace. Specifically, the schools prohibit all persons who enter school property from carrying handguns, firearms, knives, or other weapons of any kind, regardless of whether the person is licensed to carry the weapon.

The only exception to this policy will be police officers, security guards, or other persons who have the school's consent to carry a weapon on the property. Any employee disregarding this policy will be subject to immediate termination.

F. Fire Prevention

Know the location of the fire extinguisher(s) in your area and make sure they are kept clear at all times. Notify your Chief Executive Officer or designee if an extinguisher is used or if the seal is broken. Keep in mind that extinguishers rated ABC can be used for paper, wood, or electrical fires. Make sure all flammable liquids are stored in approved and appropriately labeled safety cans, are not exposed to any ignition source, and are placed in locked storage rooms when not in use.

G. In Case of Fire

If you are aware of a fire, you should:

- Dial 911 or the local fire department. If possible, immediately contact your Chief Executive Officer.
- If the fire is small and contained (e.g., limited to a waste paper basket), locate the nearest fire extinguisher. This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.
- If the fire is not contained, leave the area immediately and assist others in doing so. No attempt should be made to fight the fire.
- When the fire department arrives, direct the crew to the fire. Do not re-enter the building until directed to do so by the fire department.

H. Emergency Evacuation

If you are advised to evacuate the building, you should:

- Stop all work immediately.
- Proceed with students and roster sheet to the nearest exit, including emergency exit doors, making sure all students are accounted for.
- Exit quickly, but do not run. Do not stop for personal belongings.
- Proceed, in an orderly fashion, to a parking lot near the building. Be present and accounted for during roll call.
- Contact outside emergency response agencies, if needed.
- Do not re-enter the building until instructed to do so.

I. Housekeeping

Neatness and good housekeeping are signs of efficiency. You are expected to keep your classroom/work space neat and orderly at all times - it is a required safety precaution.

If you spill a liquid, clean it up immediately. Do not leave materials or objects on the floor that

may cause others to trip or fall. Keep aisles, stairways, exits, electrical panels, fire extinguishers, and doorways clear at all times.

Easily accessible trash receptacles and recycling containers are located throughout the building. Please put all litter and recyclable materials in the appropriate receptacles and containers.

Always be aware of good health and safety standards, including fire and loss prevention.

Please immediately report anything that needs to be repaired or replaced to your Chief Executive Officer.

We require all employees to dine in the designated areas or lunchroom. We discourage keeping food in the classroom or other work areas. Do not keep snacks, candy or any food object that has been opened in your desk or cabinets. All snacks or food must be kept in air-tight plastic bins or metal containers.

J. Office Safety

Office areas present their own safety hazards. Please be sure to:

- Leave desk, file or cabinet drawers firmly closed when not in use.
- Open only a single drawer of a file cabinet at a time.
- Arrange office space, such as telephone and electrical cords, to avoid creating a tripping hazards.
- Remember to lift things carefully and to use proper lifting techniques.

K. Security

Maintaining the security of the school facilities is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

- Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.
- Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.
- When you leave school premises, make sure that all entrances are properly locked and secured.

L. Whistleblower Policy

The School is committed to conducting its financial and other affairs with utmost integrity. Consistent with this expectation, this policy is designed to ensure that all employees can share any concerns they have regarding the proper or improper use of the School's resources or adherence to any School policies. Such concerns include deviation from financial management or accounting standards adopted by the School or required by local, state, or federal law to protect any person

from fraud, deceit, or misappropriation of funds or assets under the control of the School, and/or any violation by any member of the School community of a local, state or federal law, rule, or regulation designed to protect employees or others from health, safety, or environmental hazards while on the School's premises or elsewhere.

All employees are protected from reprisal of any kind, and no discipline, negative action, or retaliation shall be taken with respect to any employee who makes a good faith report of such misconduct, or participates in any investigation or inquiry regarding such matters.

Due to the relatively small size of the School community, access to senior administrators is routinely available. Any employee with concerns regarding misuse of financial resources or violation of safety standards should bring these matters to the attention of the Chief Executive Officer or Board of Directors. If the nature of the concerns is such that discussion with a School administrator would not be comfortable or appropriate, then employees are encouraged to contact the chair of the Board directly.

DELAWARE'S MODEL POLICY FOR SUICIDE PREVENTION

EastSide Charter School recognize the serious problem of youth suicide and acknowledge that providing this policy for schools and districts related to youth suicide recognition and prevention is very important. ESCS also acknowledge that youth suicide is a complex issue which cannot be addressed by the schools alone. This Suicide Prevention Policy ("Policy") meets the requirements of 14 Del. C. § 4165(b), relative to Suicide Prevention.

I. Suicide Prevention Training For Public School Employees

Each public school employee of ESCS shall participate in at least one combined training each year totaling at least ninety (90) minutes in suicide prevention. The training materials shall be evidence-based and approved by the Department of Education, Department of Health and Social Services, and the Department of Services for Children, Youth and Their Families. More than one training program may be approved and, if so, ESCS have discretion on the training it requires for its employees. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. §1305(e). All employees shall provide evidence or proof of participation and completion.

II. Suicide Prevention Program

ESCS shall develop a Suicide Prevention Program. The components of the school's Suicide Prevention Program may vary to address the needs of different grade levels. The Suicide Prevention Coordinating Committee established pursuant to Section III shall be responsible for the implementation of the Suicide Prevention Program.

III. Suicide Prevention Coordinating Committee

Each school shall establish a committee that is responsible for coordinating the Suicide Prevention

Program within that school.

- A. When setting up the Committee, the Chief Executive Officer may wish to consider including persons such as a school counselor, school psychologist or other school-based healthcare professional, a school resource officer, a school nurse, or representative from the medical community who might have insight into the prevention or recognition of the warning signs of youth suicide.
- B. The Committee shall:
 - 1. Hold regular meetings.
 - 2. Coordinate any required staff training. The Committee may determine additional training is required for its school.
 - 3. Create and maintain a training log (either paper or electronic) to record that all appropriate staff have been trained, as well as the specific training they received.
 - 4. Meet any of the requirements assigned in Section IV below.

IV. Other Requirements

- A. Procedure for the confidential and anonymous reporting of warning signs of suicide.

ESCS's Suicide Prevention Coordinating Committee shall determine the process it will use to provide for confidential and anonymous reporting of a student demonstrating the warning signs of suicide. The procedure may be tailored to meet the school's specific needs. The document outlining the process will be maintained by the Chief Executive Officer or a staff member designated by the Chief Executive Officer. At a minimum, any privacy rules shall be followed, including any applicable Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) provisions.

- B. Procedure for communication between school staff members and medical professional who are involved in treating students for suicide issues.

ESCS's Suicide Prevention Coordinating Committee shall determine the process it will use to provide for communication between school staff members and medical professionals (e.g. nurses, counselors, physicians) who are involved in treating students for suicide issues. The procedure may be tailored to meet the needs of each school. The document outlining the process will be maintained by the Chief Executive Officer. At a minimum, any privacy rules shall be followed, including any applicable Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) provisions. See Appendix A.

- C. Posting of the Suicide Prevention Policy

ESCS shall post this Suicide Prevention Policy in all student and staff handbook(s) and on the

school's website.

D. Retaliation Restrictions

No employee, school volunteer or student shall be retaliated against for reporting a student thought to be demonstrating the warning signs of suicide.

Appendix A

Common Procedures for School Staff Members and Healthcare Professionals

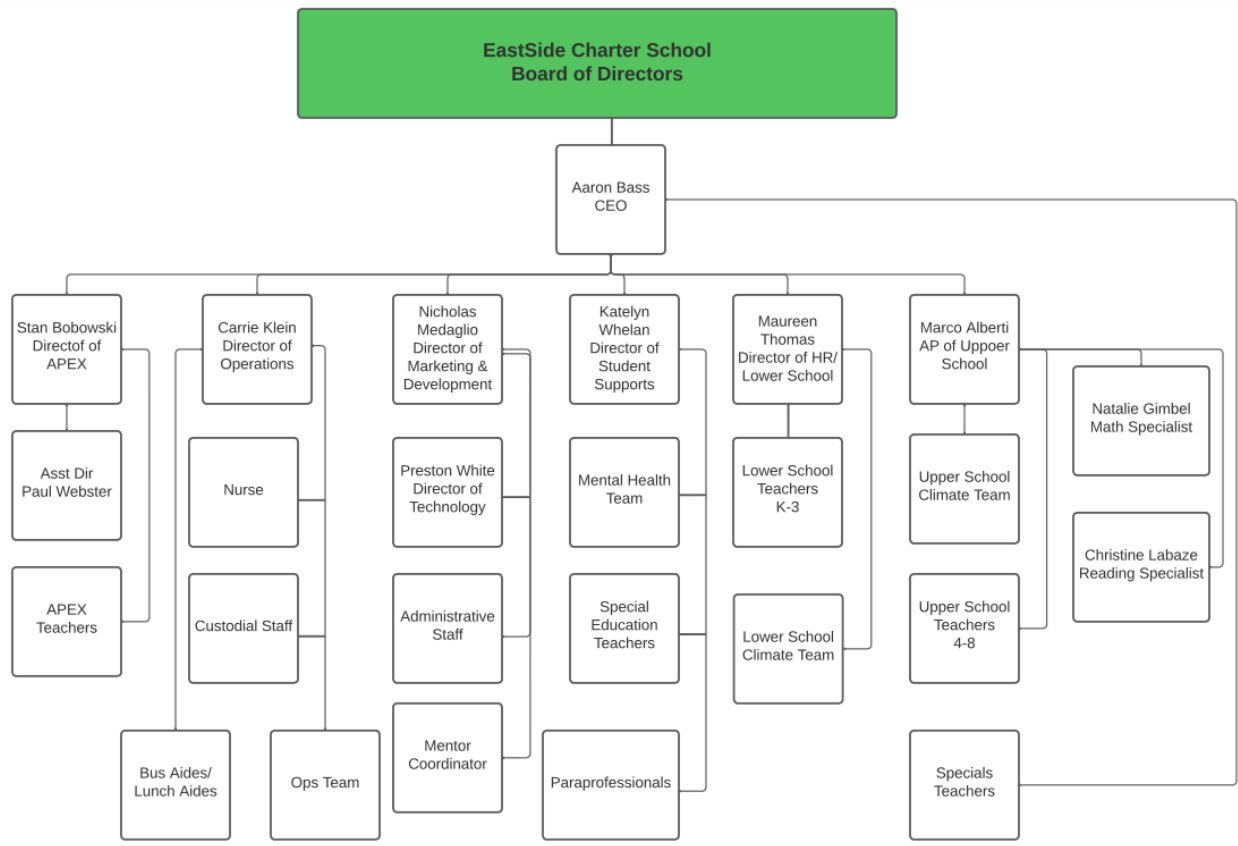
The following procedures for communication between school staff members and healthcare professionals who are involved in treating students for self-harm, suicide attempt or threatening of either shall be followed:

1. ESCS's process is to immediately report any student thought to be demonstrating the warning signs of suicide to the school nurse, school counselor, or Chief Executive Officer. This may be done verbally initially; however, a written record of the report shall be prepared. A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting warning signs of suicide in accordance with these procedures unless that reporting constituted gross negligence and/or reckless, willful or intentional conduct.
2. Healthcare Professionals. The primary contacts at ESCS are identified in Section 1 above. For a student who has not reached the age of 18, Release of Information forms shall be signed by the parent, guardian, or relative caregiver in order for the primary care physician or healthcare professional to communicate with school personnel regarding any treatment of a student. Notwithstanding the foregoing, communications between healthcare professionals and school staff regarding any treatment of a student may occur for any student 14 years or older who has provided consent for voluntary outpatient treatment in accordance with 16 Del. C. § 5003. In accordance with HIPAA and FERPA guidelines, releases shall be signed before communication may take place. Communications without signed releases in emergency situation may occur in accordance with HIPAA and FERPA regulations and guidelines.
3. If a parent refuses to sign a release form at school, the school will review this policy with them, explaining the reasons the release would be advantageous to the student.
4. After confirmation that a student has been involved in a suicide ideation or suicidal behavior, the student shall be evaluated by a licensed healthcare professional or a non-licensed healthcare professional working under the supervision of a licensed healthcare professional.
5. The recommendations from the healthcare evaluation which are pertinent to managing the student's risk in school shall be shared at a meeting between the student, parent/guardian, school nurse, school counselor or Chief Executive

Officer prior to the student's return to school. Recommendations will be shared with school personnel who are responsible for their implementation.

6. Emergency evaluations can be obtained from hospital emergency departments; a licensed healthcare professional; a physician; or nurse practitioner; or from the state's Child Priority Response Mobile Crisis Service if the student is under 18 years of age, or from the Adult Mobile Crisis Service if student is between the ages of 18-21.

NOTE: A copy of this policy will be provided to the Delaware Department of Education. Any changes to this Policy shall be provided to the Department of Education within 60 days of any such action.



Employee Dress Code Policy

1. Staff are individually responsible for their general presentation, appearance and personal hygiene and should consider how this may be perceived by others. Dress code is required when students are in the building.
2. This means that all staff should wear clothing which:
 1. Is appropriate to their role;
 2. Is not likely to be viewed as offensive, revealing or sexually provocative;
 3. Is absent of any political or otherwise contentious slogans;
 4. Is not considered to be discriminatory and is culturally sensitive;
 5. Does not place themselves or others at risk and complies with any health and safety requirements.
3. Staff are responsible for following this dress code and should understand how it relates to their working environment and health and safety. Managers are responsible for ensuring that the dress code is adhered to at all times in respect of the staff they manage. HR should make new staff aware of the dress code and its requirements during the recruitment process and should re-iterate this as part of induction.
4. Acceptable Clothing (Examples of acceptable clothing include a combination of)
 - a. Appropriate length skirts or pants
 - b. Blouses/shirts (long or short sleeve)
 - c. Plain T-shirts or those with appropriate messages for school environment/polo shirts;
 - d. Jackets, dresses, business suits, ties
 - e. Sneakers and Sandals
5. Non-acceptable Clothing
 - a. Mini-skirts;
 - b. Lycra cycling shorts, leggings or footless tights (unless appropriately covered);
 - c. Shorts unless for PE or sports;
 - d. Tracksuits/ sweat suits unless for PE/Climate;
 - e. See through clothing;
 - f. Clothing with tears, holes and rips(above the knee) or that is not clean;
 - g. Low cut T-Shirts or blouses;
 - h. Offensive badges, emblems or logos on clothes;
 - i. Underwear should not be visible at any time.
 - j. No slides

Exceptions

It is recognized that there may be specific occasions where the usual dress code would not be appropriate e.g. outdoor/field trips and in these circumstances guidance will be provided. Certain exceptions to the dress code may be role specific, for example custodians may wear overalls etc. The dress code may be relaxed on training days at the discretion of the COE.

"Appropriate" is at the discretion of the Human Resource Director and CEO

Special dress days will be decided by school leadership and clothing criteria will be communicated for those days in advance.

Appendix D

Media Release and Understanding and Acknowledging Receipt of the ESCS Employee Manual

Signature below by the employee is their agreement that EastSide Charter School (the “School”) has the irrevocable right to use the name, voice, photograph, picture, portrait, appearance, likeness, performance (sometimes collectively referred to as the “**image**”) of the employee in connection with the School’s educational, promotional, or fund-raising activities, or for any other legitimate purpose. The School may use, reproduce, publish, exhibit, distribute, and transmit the image of the employee, individually or along with other images or printed matter in the production of brochures, slides, motion pictures, broadcasts (radio and television), audio or video files, recordings, still photography, CD-ROMs, the School’s website, and through any other manner of media now known or later developed (sometimes collectively or individually referred to as the “**media**”). No personal information - such as name, home address or phone numbers - will be published in promotional or fund-raising materials.

The School may also record, reproduce, amplify, edit, and simulate the employee’s image and all sound effects produced. The School will own the copyright, in its own name, to any media/derivative works that contain the image of the employee; and may assign the above-mentioned rights to third parties. The School will have no obligation to make use of the rights or materials discussed in this paragraph. The right to inspect or approve the student(s)’s image or any finished materials that use the image is waived by the employee; and no compensation will be provided, now or in the future, in connection with the use of the employee’s image. There is no time limit on the validity of this Release; nor is there any geographic limitation on where these materials may be used/distributed. By signing below, the employee release and forever discharge the officers, directors and employees of the School, their agents, employees and assigns from any and all claims, demand, rights, and causes of action of whatever kind that may arise from the use of the student’s image, including all claims for libel, invasion of privacy, or right of publicity.

By signing below, the employee also acknowledges receipt of a copy of the School (EastSide Charter School (ESCS) Personnel Policy Manual and having read, understood and agreed to abide by the outlined policies. I understand that the policies and benefits described in the Manual are subject to change at the sole discretion of ESCS at any time.

Appendix E School Calendar



School Calendar 2023-2024

July 2023				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

Days 0

August 2023				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28+	29	30	31	

Days 4

September 2023				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

Days 18

October 2023				
M	T	W	TH	F
2	3	4 ^A	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

Days 21

November 2023				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27+	28	29	30	

Days 16

December 2023				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

Days 12

January 2024				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31 ^A		

Days 18

February 2024				
M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	

Days 18

March 2024				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18+	19	20	21	22
25	26	27	28	29

Days 18

April 2024				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24 ^A	25	26
29	30			

Days 17

May 2024				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

Days 21

June 2024				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

Days 7

Total Number of Student Days: 170

KEY	
	School Day - Dismissal 2:30
	School Day - 12:30pm Dismissal (Staff PD)
	No School for Students (New Staff Orientation)
	No School for Students (Staff PD)
	Vacation - School Closed
	No School - Vision Plan/Report Card Conferences
+	First Day of Marking Period
A	Progress Reports Completed
	Last Day of Marking Period

Updated: 4.30.23

School Calendar



School Calendar 2023-2024

First Day of School
Monday, August 28, 2023

Back to School Night
Tuesday, September 19, 2023

School Holidays

9/1/2023 to 9/4/2023	Labor Day Vacation
11/10/2023	Veterans' Day
11/20/23 to 11/24/23	Thanksgiving Break
12/20/23 to 1/2/24	Winter Break
1/15/2024	MLK Holiday
2/16/2024 to 2/19/24	Presidents' Day Break
3/29/24 to 4/5/24	Spring Break
5/27/2024	Memorial Day

Staff Development Days (No Students)

8/14/2023 - 8/15/2023	New Staff Orientation
8/16/2023 - 8/25/2023	All Staff Orientation
9/25/2023	Professional Development
10/13/2023	Statewide PD
1/3/2024	Professional Development
1/26/2024	Professional Development
2/12/2024	Professional Development
3/8/2024	Professional Development
5/24/2024	Professional Development
6/12/2024 - 6/18/2024	EOY Faculty Retreat

Report Card Conferences (No School)

Friday, December 1, 2023

Friday, March 8, 2024

April 29- May 3** Progress Report Conferences
By Special Invite Only

8th Grade Promotion Ceremony
Thursday May 23, 2024

Kindergarten Promotion Ceremony
Monday June 3, 2024

Tentative Test Dates

Cycle 1		
MAP	ELA/Math	September 26- Oct 6
IDI/ Dibels	ELA	August 28- September 21
Interim 1	Math/ELA	October 30- November 3
Cycle 2		
Interim	Math/ELA	February 5-9
IDI/ Dibels	ELA	January 8-25
MAP	ELA/Math	January 22- February 2
Cycle 3		
Interim 3	Math/ELA	March 25-28
IDI/ Dibels	ELA	May 1-23
State Assessments		
DESSA	SS (4&7)	April 22- April 26
	Sci (5&8)	April 22- April 26
MAP	ELA/Math	April 15 -Apr 26
	Smarter Balanced	Spring Assessment
	Math/ELA	May 6-17

Intervention Cycles

Screening/ Data Collection : 9/5/23 - 9/22/23

Cycle 1:	9/26/23 -11/3/23
Cycle 2:	11/6/23-12/19/23
Cycle 3:	1/4/2024- 2/9/2024
Cycle 4:	2/13/2024-3/21/2024
Cycle 5:	3/25/2024- 5/23/2024

Grading Periods

	Start	Progress Report	End
1	8/28/23	10/4/23	11/17/23
2	11/27/23	1/31/24	3/15/24
3	3/18/24	4/24/24	6/11/24

Appendix F
East Side Charter School Title IX Sexual Misconduct Policy

I. Introduction and Purpose

East Side Charter School (“**ESCS**”) is committed to providing a safe, respectful and supportive learning and working environment, free from sexual harassment and sexual violence, in which all members of the ESCS community can thrive and succeed.

Title IX of the Education Amendments of 1972 (“**Title IX**”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All schools that receive any Federal funds must comply with Title IX..

ESCS does not tolerate Title IX Sexual Harassment, as defined under applicable federal regulations. ESCS will respond promptly and equitably to **Reports** or **Formal Complaints** (as defined, below) of conduct prohibited under this Title IX Sexual Harassment Policy (the “**Policy**”). Violations of this Policy may result in discipline, including the possibility of expulsion or termination from ESCS.

II. Scope

Under Title IX, schools must operate free from sex discrimination, including sexual harassment. This Policy covers sexual harassment that allegedly occurred on or after August 14, 2020, committed by any individual against ESCS students, ESCS employees, and other participants in ESCS Education Programs or Activities.

Any of the following conduct on the basis of sex constitutes sexual harassment (“**Sexual Harassment**”):

- A school employee conferring an educational benefit or service upon a person’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
- Sexual assault (including as defined under Delaware state law in 14 DE Code § 4112E), dating violence (including “Teen Dating Violence” as defined under 14 DE Code § 4112E.), domestic violence, or stalking. In Delaware, the legal age of consent is 16 years old, and in some situations, 18 years old. **No student at ESCS is of an age where they may legally consent to engage in sexual activity.**

This Policy applies to Sexual Harassment that meets the definitions listed above and meets all of the following additional conditions:

1. The Sexual Harassment is alleged to have been perpetrated against a person in the United States; and
2. The Sexual Harassment is alleged to have taken place within ESCS’s Education Programs or Activities; and
3. At the time of filing or signing the Formal Complaint, the complainant is participating in

or attempting to participate in ESCS's Education Programs or Activities. Sexual Harassment may include prohibited conduct which occurs off campus, including sporting events and school trips.

If an allegation of sexual misconduct does not meet the definition of Sexual Harassment or the additional requirements listed above, ESCS may choose in its sole discretion (i) to investigate the allegations under the procedures set forth in this Policy or (ii) to address such allegations through other policies, such as the ESCS Student Handbook or the ECSC-Personnel Policy Manual.

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve ESCS of its duty under Title IX to resolve complaints promptly and equitably.

ESCS reserves the right to modify this Policy to take into account changes to at any time as necessary to comply with applicable local, state, and federal laws and regulations and/or directives from relevant government agencies. Information on changes, updates or amendments to the Policy will be provided to students, parents/guardians, and employees at the start of each school year or from time-to-time as needed.

III. Title IX Coordinator

Complaints and/or inquiries concerning allegations of Sexual Harassment, or discrimination on the basis of sex, shall be directed to ESCS's **Title IX Coordinator** in person, or by phone, mail, or e-mail. Any person (e.g., the alleged victim or any third party, including parents) may report to the Title IX Coordinator. All complaints will be received and investigated in a prompt and equitable manner.

The Title IX Coordinator contact information is as follows:

Maureen Thomas, Title IX Coordinator
3000 N Claymont St
Wilmington, DE 19802
Phone:
Maureen.Thomas@escs.k12.de.us

ESCS provides the contact information of the Title IX Coordinator to students, faculty, staff, applicants for admission, and applicants for employment at ESCS.

The Title IX Coordinator will be responsible for:

- Communicating with all members of ESCS community regarding their responsibilities and rights under Title IX;
- Reviewing applicable ESCS' policies to facilitate compliance with Title IX;
- Monitoring ESCS' administration of its own applicable policies, including this Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting or coordinating training regarding sexual misconduct, Title IX, and prohibited conduct defined in this Policy and related policies; and
- Responding to any Report or Formal Complaint regarding conduct that violates this Policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any Supportive Measures (as defined below in Section V. B.), and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators, who will be appropriately trained.

All ESCS employees must immediately inform the Title IX Coordinator of all Reports or Formal Complaints of violations of this Policy made to the employee. In addition, even in the absence of a Report, complainant, or Formal Complaint, **employees must report any suspected sexual harassment they witness or hear about to the Title IX Coordinator.**

Nothing in this Policy will prevent making a report of suspected abuse or neglect of a minor under the State of Delaware’s mandatory reporting laws as set forth in ESCS’s Mandatory Reporting Policy, below.

IV. Mandatory Reporting Policy

Refer to all state of Delaware mandated trainings and requirements for mandatory training and reporting requirements.

V. Initial Assessment of Report/Filing of Formal Complaint

A. Initial Assessment of a Report

When the Title IX Coordinator is aware of an allegation of Sexual Harassment (a “**Report**”), the Title IX Coordinator will promptly and confidentially reach out to the student alleging sexual harassment to discuss available options, including, but not limited to:

- The availability of Supportive Measures to restore access to the school’s education program or activity with or without the filing of a Formal Complaint;
- The right to file a complaint to initiate an investigation into the Sexual Harassment allegations; and
- The process for filing a Formal Complaint.

B. Supportive Measures

The Title IX Coordinator will provide the complainant with information concerning the right to Supportive Measures even if no Formal Complaint is filed. ESCS will consider the alleged victim’s wishes with respect to requests for supportive measures. The respondent may also benefit from Supportive Measures.

“**Supportive Measures**” are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment, not disciplinary or punitive, and without unreasonably burdening any other person. Examples of supportive measures may include:

- Counseling
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Leave of absence;
- Increased security or monitoring of certain parts of campus; and/or
- Mutual restrictions on contact between individuals.

ESCS will keep confidential any Supportive Measures provided to the extent it does not impair ESCS’s ability to provide the supportive measure. The Title IX Coordinator is responsible for coordinating Supportive Measures.

C. Filing a Formal Complaint of Sexual Harassment

A formal complaint is an official document alleging Sexual Harassment (“**Formal Complaint**”). ESCS will investigate the allegations set forth in a Formal Complaint by following the Grievance Process (set forth below).

A Formal Complaint must be submitted by a student, or the student’s parent or legal guardian, and signed by the Title IX Coordinator. Even if the student opts not to file a formal complaint, the Title IX Coordinator may decide to file a Formal Complaint on his/her own, which starts an investigation.

Formal Complaints may be filed with the Title IX Coordinators in person, by mail, by telephone, or by email.

D. Dismissal of Complaints

1. *Mandatory Dismissals*

ESCS must dismiss a complaint that:

- Does not describe conduct that meets the definition of Sexual Harassment;
- Alleges Sexual Harassment that did not occur in ESCS’s education program or activity; and/or
- Alleges sexual harassment that did not occur in the United States at all.

2. *Discretionary Dismissals*

ESCS may dismiss a complaint if:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the Formal Complaint or some of its allegations;
- The respondent is not enrolled in, or employed by, ESCS; or
- Specific circumstances prevent ESCS from gathering evidence sufficient to reach a determination about the allegations.

In the event of a dismissal of a Formal Complaint, ESCS will promptly send written notice of the dismissal and the reasons to both parties. Either party has the option to appeal the decision.

VI. Emergency Removal

Before beginning the Grievance Process (or at any time during that process), a respondent may be removed from ESCS’s education programs or activities on an emergency basis if the respondent poses an immediate threat to anyone’s physical health or safety.

VII. The Grievance Process

The following are procedures for the **Grievance Process** for student and employee Formal Complaints of Sexual Harassment:

1. ESCS individuals involved in this Grievance Process are prohibited from discriminating against a complainant or respondent on the basis of sex.

2. Parents or guardians may act on behalf of their child for all purposes under this Policy, whether their child is the complainant, respondent, or other individual involved in the Grievance Process. Parents/guardians are entitled to participation in all stages of the Grievance Process.
3. Prior to the interview of the respondent, both parties (the complainant and respondent) will receive written notice of the Grievance Process and Informal Resolution processes, notice of the allegations (including the identities of the parties, if known; the conduct allegedly constituting Sexual Harassment; the date and location of the alleged incident, if known; and the Policy provision the conduct is alleged to violate), the presumption of innocence of the respondent, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), an equal opportunity to submit, inspect, and review evidence throughout the investigation; and ESCS' prohibition against retaliation.
4. ESCS presumes that Reports of Sexual Harassment are made in good faith, and all complainants have the right to be taken seriously. A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the Report was made in bad faith.
5. ESCS will investigate the allegations of a Formal Complaint. ESCS will appoint an **Investigator**, who will gather evidence by collecting relevant documents and other information, interviewing parties and witnesses, and/or receiving documents, witness lists, requests to gather documentation or other information from any of the parties.
6. ESCS provide written notice of the date, time, location, participants, and purpose of all interviews, or other meetings, with sufficient time for the party to prepare.
7. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the written investigative report will include the name of the witness and the information gathered in the interviews.
8. ESCS will provide equal opportunities for the parties and their advisors to inspect and review the evidence obtained by ESCS as part of its investigation, if the information is directly related to the allegations raised in the Formal Complaint.
9. ESCS will give the parties a meaningful opportunity to respond to the evidence after ESCS has provided it.
10. After gathering evidence, ESCS will provide an investigative report on the allegations of the Formal Complaint. The parties will have 10 calendar days to respond to the report in writing, including submitting written questions to the other party.
 - a. The Decision-maker (not the Investigator) will decide whether the questions posed are relevant. If the Decision-maker decides to exclude a question, he or she will explain the decision to the party proposing the question.
 - b. Parents/guardians may pose questions on behalf of their child. They may also consult their child and write out the response to questions asked.
 - c. Questions and evidence about a complainant's prior sexual history are not relevant, with two limited exceptions:
 - i. Where such information is offered to prove that someone other than the respondent committed the alleged sexual harassment; or
 - ii. It relates to sexual behavior between the complainant and respondent offered to prove consent.
 - d. After the questions are posed and answered, the Decision-maker may allow follow up questions that are strictly limited to relevant clarifications of previous answers.
11. If responses are submitted, ESCS will consider the responses before finalizing the investigative report.

12. The investigative report will then be finalized and provided to the parties. The investigative report will be circulated to the parties at least another 10 calendar days before any determination of responsibility.
13. Reasonable, temporary delays are permitted at the discretion of ESCS. Reasonable delays may be because of law enforcement activities, the absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodations of disabilities.
14. ESCS will protect parties' privacy by requiring a party's written consent before using the party's medical, psychological or similar treatment records during the grievance process.
15. No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it. Neither a party nor the school is allowed to seek or permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.
16. The relevant evidence, including inculpatory and exculpatory evidence, will be objectively evaluated.
17. Credibility determinations will not be made on the basis of a person's status as a complainant, respondent, or witness.
18. ESCS will apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence").
19. ESCS bears the burden of proof and must correctly apply the preponderance of the evidence standard. Any finding of responsibility comes at the conclusion of the Grievance Process.
20. At any point during the grievance process, Parties or Witnesses may request disability-related accommodations by contacting the Title IX Coordinator, who will facilitate interactions with the ESCS administrator for student accommodations or the ADA Coordinator for employee accommodations.
21. Individuals involved in the Grievance Process will be trained in accordance with Title IX regulations, and the materials used to train Title IX personnel are available on ESCS's website.

VIII. The Decision-Maker and Determination of Responsibility

The person who decides whether the respondent engaged in Sexual Harassment in violation of this Policy (the "**Decision-maker**") may not be the same person as the Title IX Coordinator or the Investigator. ESCS will ensure there are no other conflicts of interest or bias with any of the individuals involved in the Grievance Process.

ESCS will ensure all Decision-makers receive training regarding bias and relevancy of evidence.

The Decision-maker will objectively evaluate the relevant evidence decide whether it meets the preponderance of the evidence standard used for this Policy and, in turn, reach conclusions about whether the respondent is responsible for the alleged Sexual Harassment.

ESCS will send the written determination simultaneously to the parties, along with information regarding how to appeal the determination.

The Decision-maker's written determination will include the following:

- The allegations potentially constituting Sexual Harassment;
- The portion of the this Policy that was violated;
- A description of the procedural steps that were taken;
- A findings of fact section;
- A section that draws conclusions after applying the facts to the portion of the Policy that applies;

- A statement and rationale for the ultimate determination of responsibility;
- Any disciplinary sanctions that ESCS will impose on the respondent, and a statement regarding whether ESCS will provide remedies to the complainant;
- A statement and rationale for any remedies for the complainant, addressing how those remedies will restore and preserve equal access; and
- A statement of ESCS's procedures that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appeal.

If a respondent is found responsible for Sexual Harassment, ESCS will simultaneously provide the parties a supplemental notice of outcome that describes any disciplinary sanctions ESCS will impose on the respondent and whether ESCS will provide the complainant with remedies designed to restore or preserve equal access to ESCS' Education Programs or Activities, as applicable. A complainant's remedies can be disciplinary against the respondent and can range from a disciplinary referral to a recommendation for expulsion, depending on the circumstances.

ESCS will not impose remedial measures and sanctions until the appeal process is final.

IX. Appeals

The complainant or respondent may appeal the Decision-maker's determination of responsibility or the dismissal of a Formal Complaint, to the **Appeals Decision-maker** (or designee) within 10 calendar days of receiving the determination of responsibility or the notice of dismissal. The Appeals Decision-maker will not be the same individual who made the determination of responsibility (the Decision-maker), the Investigator, or the Title IX Coordinator.

The following are permissible grounds for an appeal:

- A procedural irregularity affected the outcome of the matter;
- New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; and/or
- A conflict of interest on the part of the Title IX Coordinator, the Investigator who compiled evidence, or the Decision-maker, and the conflict of interest affected the outcome.
- If a party files an appeal, ESCS will notify the parties in writing, and will implement appeal procedures equally.
- Both parties will have the opportunity to submit a written statement supporting or challenging the outcome.
- After considering the parties' written statements, the Appeals Decision-maker (or designee) will issue a written decision no later than 15 calendar days from the parties' written submission and send it to the parties simultaneously.
- The Appeals Decision-maker's (or designee's) determination regarding whether the respondent is responsible for the Sexual Harassment allegations becomes final after appeal.

X. Informal Resolution Process

In appropriate cases, ESCS may explore the facilitation of a voluntary, informal resolution of the formal complaint ("**Informal Resolution**"). Informal Resolution is not an option in any case where the respondent is a ESCS employee.

ESCS will only attempt Informal Resolution if each party enters the process completely voluntarily. No

party will ever been forced or coerced into engaging in an Informal Resolution.

ESCS will obtain the parties' voluntary, written consent before using any type of Informal Resolution process, such as mediation or restorative justice.

ESCS will provide a facilitator who is free from conflicts of interest or bias, and who has received special training.

Even in situations where the parties engage in voluntary Informal Resolution, ESCS will provide the complainant and respondent with notice of the allegations, notice of their rights, information about whether the Informal Resolution is confidential, and assurance that any party may withdraw from the Informal Resolution process at any time before an agreement is reached.

XI. Record Keeping

ESCS will maintain the following records for 7 years:

- Records of the investigation/Grievance Process;
- Records of any appeal and the materials associated with the appeal;
- Materials used to train Title IX Coordinators, Investigators, Decision-makers, and anyone who facilitates an informal resolution; and
- Records of Supportive Measures that ESCS took in response to a Report or Formal Complaint of Sexual Harassment.

XII. Prohibition of Retaliation

ESCS prohibits retaliation against any individual, including complainants, respondents, and witnesses, for reporting Sexual Harassment or participating (or refusing to participate) in any the Grievance Process.

If any individual feels that he or she has been threatened, coerced, or discriminated against in an effort to chill the exercise of Title IX rights, then he or she should make a report of retaliation. All complaints of retaliation should be reported to the Title IX Coordinator or the Head of School and ESCS will ensure a prompt and equitable resolution of the complaint.

It is not retaliation for ESCS to punish an individual for making a bad faith, materially false, statement during a the Grievance Process. Additionally, engaging in protected speech under the First Amendment does not constitute retaliation.

ESCS will keep the identities of parties and witnesses confidential unless disclosure of an individual's identity is required under other laws or is necessary in order to conduct the Grievance Process.

Any individual shall have the right to file a formal complaint with the U.S. Department of Education, Office of Civil Rights at any time.

XIII. Reporting and Support Options for the Community

As it relates to the prohibited conduct under this Policy, a complainant, respondent, or witness has many options within and outside ESCS for reporting Sexual Harassment and for receiving counseling and support services. Information regarding contact information for local law enforcement as well as contact

information for confidential resources that are available to provide support to parties and witnesses are the Beau Biden Foundation: <https://www.beaubidenfoundation.org/>

ESCS encourages all individuals to report any alleged or suspected violation of this Policy to the Title IX Coordinator and to report potential criminal conduct to law enforcement. Anyone who seeks to make a Report (or a Formal Complaint, if the complainant or a complainant's parents/guardians) may:

- Request supportive measures from the Title IX Coordinator;
- Contact local law enforcement to file a criminal complaint. At the complainant's request, ESCS will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue a criminal process.

Any individual other than an employee of ESCS can make a report without disclosing one's own name, identifying the Respondent, or requesting any action. Anonymous reports are referred to the Title IX Coordinator for review for appropriate action. If a reporting individual makes an anonymous report, the Title IX Coordinator will consider how to proceed, taking into account the individual's articulated concerns, the best interests of the ESCS community, fair treatment of all individuals involved, and ESCS' obligations under Title IX. Depending on the level of information available about the incident or the individuals involved, ESCS may not be able to fully respond or take further action in response to an anonymous report. **A complainant cannot file a Formal Complaint anonymously.**

At-Will Employment

I understand and acknowledge understand that my employment is at-will, and the Employee Manual does not constitute a contract regarding the duration of my employment. Except as may be provided in a separate written agreement, I am free to terminate my employment with ESCS or ESCS at any time, with or without reason. Likewise, ESCS have the right to terminate my employment, or otherwise discipline, transfer, or demote me at any time, with or without reason, at the discretion of the school. No employee of ESCS can enter into an employment contract for a specified period of time, or make any agreement contrary to this policy without written approval from the Chief Executive Officer.

Acknowledgement

By signing this acknowledgement, I hereby confirm my understanding and agreement to abide by the policies adopted by ESCS, I understand that my obligation to maintain the confidentiality of student information and of the School's proprietary materials will survive my separation from employment with ESCS, and that I must return all such materials and all school property upon my termination from employment with ESCS.

This form must be signed by employee and returned to the School at the time of hire, as a condition of employment.

Employee Name (Please Print)

Employee Signature

Date