



Policy Information

Series 6000 - Personnel

PERSONNEL

Testing Misconduct and Mandatory Reporting Requirements

Policy # 6111

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adoption Date
August 2014

Adoption Date: 8/11/2014
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REGISTRATION AND PROFESSIONAL DEVELOPMENT

Policy # 6218

SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT

Registration

All employees holding a lifetime certificate in classroom teaching, teaching assistant, or educational leadership service (school building leader, school district leader, or school district business leader) must register with the State Education Department (SED) every five years through the TEACH system. Only registered employees may teach or supervise in the District.

Teachers and administrators with a permanent, professional, or a Level III teaching assistant certificate issued before July 1, 2016 must apply for initial registration during the 2016-2017 school year during their birth month. These certificate holders must thereafter renew their registration every five years during their birth month.

Teachers and administrators with a professional or a Level III teaching assistant certificate issued on or after July 1, 2016 will be automatically registered. These certificate holders must thereafter renew their registration every five years during their birth month.

Certificate holders who do not timely register may not be employed and may be subject to monthly late fees after the first, transitional five-year registration period. Employees who change their name or address must also update SED within 180 days through the TEACH system.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All District teachers and educational leaders with a professional or Level III teaching assistant certificate must complete 100 hours of acceptable CTLE during each five-year registration period to maintain a valid certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over, however, to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy. Further, the CTLE will be aligned with professional development standards created by the New York Professional Standards and Practices Board for Teaching.

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Development Plan. The District will provide CTLE opportunities that improve student performance and the teacher's or administrator's pedagogical or leadership skills, and that promote professionalism. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

Language Acquisition CTLE and Exemption

Employees holding an English to speakers of other languages certificate or bilingual extension annotations are required to complete 50 CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete at least 15 CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. Employees holding a Level III teaching assistant certificate must complete at least 15 CTLE hours in language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELL students enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which he or she obtains this certification. The employee must still meet any language acquisition requirements, however.

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE for at least three years from the end of the applicable registration period. The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. The District will also submit all required reports to SED each year.

NOTE: Refer also to Policy #6160 -- [Professional Growth/Staff Development](#)

Adoption Date

August 2016

Adoption Date: 8/4/2016
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PERSONNEL EMPLOYMENT OF RETIRED PERSONS Policy # 6562

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed \$30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he/she turns 65, unless returning to public office.

RSSL Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a School Resource Officer whose calendar year earnings exceed thirty thousand dollars (\$30,000) may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under thirty thousand dollars (\$30,000) or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

- a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.
- b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8 NYCRR Section 80-5.5(b)

March 2010

Adoption Date: 3/10/2014
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Code of Ethics for All District Personnel

Policy # 6110

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

General Provisions

Officers and employees of the District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law Sections and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his/her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. The employees, officers, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his or her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he or she is a member or employee; a corporation of which he or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410

General Municipal Law Article 18 and §§ 800-809

2 CFR § 200.318(c)(1)

Adoption Date

November 14, 2016

Policy References:

Education Law Section 410

General Municipal Law Article 18 and Section 803

Labor Law Section 201-d

Penal Law Article 155 and Section 60.27(5)

Adoption Date: 7/14/2008, Revised: 11/14/2016
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Equal Employment Opportunity

Policy # 6120

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Lyndonville School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; Policy #6121 -- Sexual Harassment of District Personnel; Policy #6122 -- Employee Grievances; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Age Discrimination in Employment Act, 29 USC Section 621
Americans With Disabilities Act, 42 USC Section 12101 et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Civil Rights Law Section 40-c
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adoption Date

January 2015

Policy References:

Labor Law Section 201-f

Age Discrimination in Employment Act,

29 United States Code (USC) Section 621

Americans With Disabilities Act,

42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973,

29 United States Code (USC) Section 794 et seq.

Title VI of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color, or national origin.

Title VII of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex, or national origin.

Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status, or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog, or service dog.

Military Law Sections 242 and 243

Adoption Date: 7/14/2008, Revised: 1/12/2015
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Policy Information**Series 6000 - Personnel****PERSONNEL****Sexual Harassment of District Personnel**

Policy # 6121

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes harassment on the basis of sex when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Civil Rights Compliance Officer. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment, and will promptly take appropriate action to protect individuals from further harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 USC Section 1981(a)
 29 CFR Section 1604.11(a)
 Civil Service Law Section 75-B
 Executive Law Sections 296 and 297
 Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
 Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
 34 CFR Section 100 et seq.

Adoption Date
 January 2015

Policy References:

Civil Rights Act of 1991, 42 United States Code (USC)

Section 1981(a)

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Education Law Section 2801(1)

Executive Law Sections 296 and 297

Adoption Date: 7/14/2008, Revised: 1/12/2015
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Policy Information**Series 6000 - Personnel****PERSONNEL****Complaints and Grievances by Employees**

Policy # 6122

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination, or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, or predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

NOTE: Refer also to Policy #3420 -- [Nondiscrimination and Anti-Harassment in the School District](#)

Policy References:

Age Discrimination in Employment Act,

29 United States Code (USC) Section 621

Americans With Disabilities Act,

42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973,

29 United States Code (USC) Section 794 et seq.

Title VI of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color, or national origin.

Title VII of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex, or national origin.

Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, predisposing genetic characteristics or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

Policy Cross References:

» 3420 - Nondiscrimination and Anti-Harassment in the School District

Adoption Date: 7/14/2008
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Evaluation of Personnel: Purposes

Policy # 6130

SUBJECT: EVALUATION OF PERSONNEL

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined

pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

- a) To encourage and promote self-evaluation by personnel;
- b) To provide a basis for evaluative judgments by school administrators.

District Plan

The Superintendent, in collaboration with teachers, pupil personnel professionals, administrators, and parents, shall develop a professional performance review plan for the District. The plan can be annual or multi-year. The Board will approve the plan and make it available on the website for review by September 10 of each school year or within ten (10) days after its approval by the Commissioner, whichever is later. Parent organizations and representatives from teacher's bargaining units will be given an opportunity to comment on the plan before adoption.

APPR Ratings

The Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/principal effectiveness.

The ratings scale based on composite scores has been established by the State Education Department (SED):

- a) Highly Effective = composite effectiveness score of 91-100
- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64.

If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan. Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained and that an appeals procedure is established.

8 NYCRR Sections 80-1.1 and 100.2(o)(2)
Education Law 3012-c

Adoption Date
December 2012

Policy References:

8 New York Code of Rules and Regulations (NYCRR)

Sections 80-1.1 and 100.2(o)(2)

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Health Examinations
Policy # 6140

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Policy References:

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 Code of Federal Regulations (CFR) Parts 160 and 164

Education Law Sections 913 and 3624

8 New York Code of Rules and Regulations (NYCRR)

Section 156.3(2)

10 New York Code of Rules and Regulations (NYCRR)

Part 14

15 New York Code of Rules and Regulations (NYCRR)

Part 6

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Alcohol, Drugs and Other Substances (School Personnel)

Policy # 6150

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties (consistent with local, state and federal law) up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be ensured as required by state and federal law.

The Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property,
#6560 -- Employee Assistance Program
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Policy References:

Safe and Drug-Free Schools and Communities Act,

as reauthorized by the No Child Left Behind Act of 2001

20 United States Code (USC) Section 7101 et seq.

Civil Service Law Section 75

Education Law Sections 913, 1711(2)(e), 2508(5)

and 3020-a

Policy Cross References:

- » 3410 - Code of Conduct on School Property
- » 6560 - Employee Assistance Program
- » 7320 - Alcohol, Tobacco, Drugs and Other Substances (Students)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Drug-Free Workplace

Policy # 6151

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

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

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property,
#6150 -- Alcohol, Drugs and Other Substances (School Personnel),
#6560 -- Employee Assistance Program (EAP),
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Policy References:

Drug-Free Workplace Act

20 United States Code (USC) Section 7101 et seq.

21 United States Code (USC) Section 812

21 Code of Federal Regulations (CFR) 1308.11-1308.15

34 Code of Federal Regulations (CFR) Part 85

Policy Cross References:

- » 3410 - Code of Conduct on School Property
- » 6150 - Alcohol, Drugs and Other Substances (School Personnel)
- » 6560 - Employee Assistance Program
- » 7320 - Alcohol, Tobacco, Drugs and Other Substances (Students)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Professional Growth/Staff Development

Policy # 6160

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs, which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from

these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs, which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Mentoring Programs for First Year Teachers

First year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students in attaining State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

NOTE: Refer also to Policy #6212.1 -- [Professional Certification: 175 Hours of Professional Development Requirement](#)

Policy References:

Education Law Sections 1604(27), 3004 and 3006

General Municipal Law Sections 77-b and 77-c

8 New York Code of Rules and Regulations (NYCRR)

Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

Policy Cross References:

» 6212.1 - Professional Certification: 175 Hours of Professional Development Requirement

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Conference/Travel Expense Reimbursement

Policy # 6161

Conference travel shall be for official business and shall be made utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file, which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates. These rates are as follows:

- a) NYC, Nassau, Suffolk, Rockland, Westchester - \$50;
- b) Albany, Binghamton, Buffalo, Rochester, Syracuse - \$40;
- c) All other NYS Locations - \$35;
- d) Out of State - \$50.

Partial day's rates will be determined before conference/travel and distributed to attendees.

A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law § 77-b(2)

NOTE: Refer also to Policy #5323 -- [Reimbursement for Meals/Refreshments](#)

Revised Date
December 2015

Policy References:

General Municipal law Section 77-b(2)

Policy Cross References:

- » 5323 - Reimbursement for Meals/Refreshments

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Fingerprinting of Prospective School Employees

Policy # 6170

SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. The District will use the SVMS as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as TEACH.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. These procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator and periodic visitations by the building/program administrator to the classroom, program, and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

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Correction Law Article 23-A

Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c
and 3035

Executive Law § 296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR § 80-1.11 and Part 87

Adoption Date

March 2016

Policy References:

Correction Law Article 23-A

Education Law Sections 305(30), 1604, 1709, 1804, 1950,
2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR)

Sections 80-1.11 and Part 87

Adoption Date: 7/14/2008, Revised: 3/14/2016
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL
Safe Mentoring Act
Policy # 6171

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in

Definitions

- a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of chil
- c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the
- d) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the

Prospective School Employees

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring p

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee"

Prospective Volunteer Mentors

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) wi

Fees for Fingerprinting

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the I fingerprints may impose a fee. The fees shall be payable to Office of Children and Family Services (OCFS) and paid by money order, check or certified check by the Distri

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

Waiver by Custodial Parent/Guardian

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the Dis custodial parent or guardian.

Confidentiality

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclose

Parental Disclosure

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks

Policy References:

Social Services Law Section 390-e

Correction Law Sections 752 and 755

Executive Law Section 837(8-a)

8 New York Code of Rules and Regulations (NYCRR)

Section 80-1.11 and Part 87

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Mentoring Programs for First Year Teachers

Policy # 6172

Effective February 2, 2004, all new teachers in the Lyndonville Central School District holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also, effective February 2, 2004, the District will incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the District and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and
- e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or

- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The District has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Policy References:

Education Law Sections 3004 and 3006

8 New York Code of Rules and Regulations (NYCRR)

Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2),

80-5.13, 80-5.14, and 100.2(dd)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Staff-Student Relations (Fraternization)

Policy # 6180

The Board requires that all District employees maintain a professional, ethical relationship with students that is conducive to an effective, safe learning environment, and that staff members act as role models for students at all times, in all curricular and extra-curricular activities, whether on or off school property and both during and outside of school hours. The relationship between District employees and students shall be one of professional cooperation and respect. All employees must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date students or engage in any type of close personal relationship with students that may be reasonably perceived as unprofessional including, but not limited to the perception of a dating relationship, regardless of the student's age and regardless of whether the employee believes that student may have "consented" to such conduct. Employees shall not engage in improper fraternization with students (i.e., communicate, socialize, or spend time with students in such a manner as to create the perception that a dating or personal relationship exists). Improper fraternization includes, but is not limited to, flirting; making suggestive comments; dating; contact off school grounds

for non-school related events (e.g., movies, dinner, shopping); giving gifts of a personal nature or giving a gift or special privilege without a basis/reason; frequent communication with a student unrelated to course work or official school matters (whether in person, by phone, in writing (e.g. greeting cards, letters,

notes), or by any electronic means including, but not limited to, email, text messaging, or social media/networking websites); providing alcohol or drugs to students; unwelcome touching or physical contact; physical displays of affection; requests for sexual activity; and engaging in sexual contact or relations. This prohibition applies to students of the same or opposite sex of the District employee.

Any behavior of a sexual nature which may constitute professional misconduct and/or is a violation of criminal or civil statutes, professional codes of ethics, or board policy is strictly prohibited. This prohibition applies regardless of whether the student or the employee initiated the sexual behavior and regardless of whether the student welcomes the sexual behavior and/or reciprocates the attention. Any action or comment by a staff member which invites romantic or sexual involvement with a student is considered unethical, unacceptable and in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment. Improper fraternization of staff with students does not need to rise to the level of criminal activity for such conduct to be in violation of District policy and to subject an employee to disciplinary sanctions.

Any student who believes that he/she has been subjected to prohibited staff behavior as described in this policy shall report such behavior to any staff member. Any staff member who receives a report from a student or who otherwise has knowledge of or witnesses any possible occurrence of inappropriate staff- student relations as described in this policy, shall report the incident to the employee's or student's building principal or the District's designated complaint officer. All reports received by individuals other than the designated complaint officer shall be forwarded to the designated complaint officer for further investigation. Failure to report in accordance with this paragraph may subject an employee to disciplinary sanctions up to and including termination. Anonymous complaints of improper fraternization of staff members with students shall also be investigated by the District.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs. Investigations shall follow the procedures utilized for complaints of harassment within the District. Allegations of inappropriate staff-student behavior shall be treated as confidential to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

A staff member who believes a student has initiated inappropriate behavior toward him/her shall document the incident and report it to his/her building principal or supervisor.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. An individual who engages in any act of retaliation is subject to disciplinary action by the District.

Disciplinary Sanctions

Any staff member who engages in conduct which violates this policy shall be subject to disciplinary measures up to and including termination of employment and may also be subject to criminal and/or civil sanctions as well as disciplinary action by the State Education Department including, but not limited to, revocation of the employees' certification(s).

Title IX of the Education Amendments of 1972

20 United States Code (USC) Section 1681 et seq.

Education Law Article 23-B

Social Services Law Sections 411-428

8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: 7/14/2008

Amended: 4/7/2014

Policy References:

Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

Education Law Article 23-B

Social Services Law Sections 411-428

8 New York Code of Rules and Regulations (NYCRR)

Part 83

Adoption Date: 7/14/2008, Revised: 4/7/2014
6000 - Personnel

Policy Information

Series 6000 - Personnel

PERSONNEL

Employment of Retired Persons

Policy # 6190

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law.

Such approval may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement.

Reporting Requirements and Disclosure

- a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.
- b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Policy References:

Education Law Section 525

Retirement and Social Security Law Sections 111, 211, 212, 217, and 411

Adoption Date: 1/12/2010
6000 - Personnel**Policy Information****Series 6000 - Personnel****CERTIFIED PERSONNEL****Certified Personnel**

Policy # 6210

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain, and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Policy References:

Education Law Sections 2510 and 3013

8 New York Code of Rules and Regulations (NYCRR)

Part 30

Adoption Date: 7/14/2008
6000 - Personnel**Policy Information****Series 6000 - Personnel****CERTIFIED PERSONNEL****Recruitment**

Policy # 6211

The District will attempt to employ the best-qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Policy References:

Age Discrimination in Employment Act,

29 United States Code (USC) Section 621

Americans With Disabilities Act,

42 United States Code (USC) Section 12101 et seq.

Section 504 of the Rehabilitation Act of 1973,

29 United States Code (USC) Section 794 et seq.

Title VI of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000d et seq.

Title VII of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000e et seq.

Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

Civil Rights Law Section 40-c

Education Law Section 3012

Executive Law Section 290 et seq.

Military Law Sections 242 and 243

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****CERTIFIED PERSONNEL
Certification and Qualifications
Policy # 6212****SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions will govern certification and qualifications of District personnel:

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Commissioner's regulations, each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of the service. The regulations also reduce the professional development requirements for certification holders called to active duty for the time of active service.
- c) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any Permanent or Professional certificates for new hires remain valid.
- d) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

Parent Notification

The District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following will be provided by the District upon request:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he or she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the state qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

20 USC § 7801(23)

34 CFR §§ 200.55 and 200.56

Education Law §§ 210, 305, 3001, 3001-a, 3004, 3006 and 3008

8 NYCRR Subparts 57-3, 80-1, 80-2, 80-3, 80.4, and 80.5

8 NYCRR §§ 100.2(dd) and 100.2(o)

Adoption Date

August 2018

Policy References:

20 United States Code (USC) Section 7801(23)

34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008

8 New York Code of Rules and Regulations (NYCRR) Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 100.2(dd) and

100.2(o)

Adoption Date: 7/14/2008, Revised: 8/15/2018
6000 - Personnel**Policy Information****Series 6000 - Personnel****CERTIFIED PERSONNEL****Professional Certification: 175 Hours of Professional Development Requirement**

Policy # 6212.1

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- a) The name of the professional certificate holder;
- b) His/her teacher certification identification number;
- c) The title of the program;
- d) The number of hours completed; and
- e) The date and location of the program.

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

District Reporting Responsibilities

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- a) The title of the program;
- b) The number of hours completed;
- c) The sponsor's name and any identifying number;

- d) Attendance verification; and
- e) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities.

NOTE: Refer also to Policy #6160 -- [Professional Growth/Staff Development](#)

Policy References:

8 New York Code of Rules and Regulations (NYCRR)

Subpart 80-3 and Section 100.2(dd)

Policy Cross References:

» 6160 - Professional Growth/Staff Development

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

CERTIFIED PERSONNEL

Incidental Teaching

Policy # 6213

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

Policy References:

8 New York Code of Rules and Regulations (NYCRR)

Section 80-5.3

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

CERTIFIED PERSONNEL

Probation and Tenure

Policy # 6214

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members will be appointed to a probationary period by a majority vote of the Board upon recommendation of the Superintendent.

Teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervisory staff, except associate, assistant, and other superintendents, will be appointed to a probationary period of four years. The probationary period will not exceed three years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided that the teacher was not dismissed from the prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

Tenure

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure 1) those non-teaching certified staff members who successfully completed their probationary period in the District, and 2) teachers and principals who have been found competent, efficient, and satisfactory, and who have received the APPR rating of effective or highly effective in at least three of the preceding four years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating. The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

When the initial probationary period expires, a teacher or principal will remain on probationary status until the end of the school year in which he/she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his/her time;
- c) The date probationary service or service on tenure commences in each area;
- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and principals, the resolution must state that:
 1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and
 2. If the teacher or principal receives an ineffective composite or overall APPR rating in his/her final year of probation, he/she will not be eligible for tenure at that time; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-c, 3012-d, 3014, and 3031

8 NYCRR §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

Adoption Date

March 2016

Policy References:

Education Law Sections 2509, 3012 and 3031

8 New York Code of Rules and Regulations (NYCRR)

Part 30

Adoption Date: 7/14/2008, Revised: 3/14/2016
6000 - Personnel

Policy Information

Series 6000 - Personnel

CERTIFIED PERSONNEL

Disciplining of a Tenured Teacher or Certified Personnel

Policy # 6215

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

Ineffective Personnel

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

Allegations of Abuse

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will

consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of

Education

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of \$1,000:

- a) Through a systemic ongoing course of conduct with the intent to defraud; or
- b) By false or fraudulent pretenses, representations, or promises; or
- c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95

Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012 3020-a, and 3020-b

Penal Law § 195.20

8 NYCRR Subpart 82-3

Correction Law Article 6-C

Adoption Date

September 2015

Policy References:

Education Law Sections 305(7-a), 305(7-b), 3012 and 3020-a

8 New York Code of Rules and Regulations (NYCRR) Subpart 82-1

Criminal Procedure Law Section 380.95

Penal Law Section 195.20

Adoption Date: 7/14/2008, Revised: 4/20/2009
6000 - Personnel

Policy Information**Series 6000 - Personnel****CERTIFIED PERSONNEL****Professional Staff: Separation**

Policy # 6216

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Policy References:

Education Law Sections 2509, 3012, 3019-a and 3031

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****CERTIFIED PERSONNEL****Employment of Relatives of Board of Education Members**

Policy # 6217

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds (2/3) of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Policy References:

Education Law Section 3016

General Municipal Law Sections 800-809

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****CERTIFIED PERSONNEL****Temporary Personnel**

Policy # 6220

SUBJECT: TEMPORARY PERSONNEL

The District's needs sometimes require temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

Substitute Teachers

The Superintendent will employ appropriately qualified substitute teachers. A substitute teacher is employed in the place of a regularly appointed teacher who is absent, but is expected to return.

The Board will annually establish the rate for per diem substitute teachers.

New York State recognizes the following three categories of substitute teachers:

- a) Substitutes with valid NYS teaching certificates or certificates of qualification. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are certified.
- b) Substitutes without a valid NYS certificate, but who are completing collegiate study toward NYS certification at the rate of not less than six semester hours per year. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are seeking certification.
- c) Substitutes without a NYS valid certificate and who are not working towards NYS certification. A substitute teacher in this category may be employed in any capacity, but is limited to 40 days in one school district in any school year.

Education Law § 3023

8 NYCRR §§ 80-1.5 and 80-5.4

Adoption Date

September 2018

Policy References:

Education Law Section 3023

8 New York Code of Rules and Regulations (NYCRR)

Section 80-5.4

Adoption Date: 7/14/2008, Revised: 9/10/2018
6000 - Personnel

Policy Information**Series 6000 - Personnel****SUPPORT STAFF****Appointment - Support Staff**

Policy # 6310

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Policy References:

Civil Service Law Section 63

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****SUPPORT STAFF****Supplementary School Personnel**

Policy # 6320

Teacher Aides

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

Policy References:

8 New York Code of Rules and Regulations (NYCRR)

Section 80-5.6

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Maintaining Discipline and Conduct

Policy # 6410

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Policy References:

Education Law Section 2801(1)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Employee Personnel Records and Release of Information

Policy # 6420

Personnel Records

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Policy References:

Public Officers Law Section 87

8 New York Code of Rules and Regulations (NYCRR)

Part 84

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****ACTIVITIES****Employee Activities**

Policy # 6430

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- [Use of Federal Funds for Political Expenditures](#)

Policy Cross References:

» 5560 - Use of Federal Funds for Political Expenditures

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information**Series 6000 - Personnel****ACTIVITIES****Negotiations**

Policy # 6440

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Lyndonville Central School District Teachers' Association.

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Theft of Services or Property

Policy # 6450

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Jury Duty

Policy # 6460

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance from the Unified Court System for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Policy References:

Judiciary Law Section 521(b)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Staff Use of Computerized Information Resources

Policy # 6470

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the

District. Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of public social media networks or Social Networking Sites (SNS) are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, blog sites, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is *allowed on a limited basis*. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations. Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private. Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification

#6411 -- Staff Use of Email

#7243 -- Student Data Breaches

#7316 -- Student Use of Personal Technology

#8271 -- Internet Safety/Internet Content Filtering Policy

Adoption Date

November 2013

Policy Cross References:

» 8271 - Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adoption Date: 1/9/2012, Revised: 11/12/2013
6000 - Personnel

Policy Information

Series 6000 - Personnel

ACTIVITIES

Usage of Technology Resources

Policy # 6471

General Rules Pertaining to Technology Resources

The purposes of Lyndonville Central School District technology resources (which include but are not limited to Lyndonville Central School District computers, computer systems, computer networks, Internet connections, Intranet, communications systems (including but not limited to electronic mail (e-mail), chat, and instant messaging systems), laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, and any other technology or storage devices, are to promote the exchange of information and facilitate education, research, business and communication consistent with the mission of the Lyndonville Central School District. Lyndonville Central School District technology resources, like Lyndonville Central School District's other equipment, supplies, communications systems and other resources, are provided for authorized employees' use in supporting Lyndonville Central School District business consistent with the employee's work assignment.

The use of Lyndonville Central School District technology resources by employees, students and any other authorized users must be consistent with this Acceptable Use Policy (AUP). Occasional non-disruptive personal use by an employee of the Lyndonville Central School District, which does not interfere in any way with performance of work, shall not constitute a violation of this policy. However, the Lyndonville Central School District retains full authority to regulate, curtail, limit, and/or prohibit use of Lyndonville Central School District technology resources. Additionally, Lyndonville Central School District technology resources shall not be used for commercial or partisan political activities or purposes.

Each staff member, student or other user afforded access is required to make the most efficient use of Lyndonville Central School District technology resources, and to minimize interference with or disruption of other users, services and equipment.

Unacceptable Uses of Technology Resources

The standards of acceptable use and prohibitions set forth in this policy are not intended to be all-inclusive or comprehensive. Generally, the same standards that apply to any aspect of an employee's job performance or conduct shall apply to use of technology resources as addressed in this policy. A staff member or student may be found to have engaged in inappropriate use and be subject to discipline or other action by reason thereof, even if the individual's conduct (or category of conduct) is not expressly referenced in this policy.

Any use of technology resources for illegal, unethical, unprofessional, or other inappropriate activity is strictly prohibited.

Transmitting, distributing, showing and/or possessing (without authorization) offensive, profane, obscene, lewd, pornographic, insulting, defamatory, abusive, harassing, threatening, or otherwise inappropriate materials, including but not limited to any material likely to be offensive or objectionable to recipients or viewers, is strictly prohibited. The Lyndonville Central School District's Code of Conduct and non-discrimination policies (including but not limited to policies pertaining to sexual harassment and harassment on bases other than gender), apply to usage of technology resources.

Using any technology resources to access or view material that is obscene, profane, lewd, or pornographic, or material that advocates violent or unlawful conduct, in the absence of authorization from the Superintendent and a legitimate business reason, is strictly prohibited.

Damaging or infiltrating any computer, computer system, computer network, Internet connection, communications system, or other technology resource is prohibited.

Violation of any copyright or other laws, or any Lyndonville Central School District policies, is prohibited.

It is impermissible to use any technology resources to solicit personal information without a legitimate reason.

Any use of technology resources that accesses outside resources or systems must comply with the acceptable use policies of all applicable organizations.

Subscriptions to Listservs, bulletin boards and all on-line services must be pre-approved by the Superintendent or his/her designee.

Access to Lyndonville Central School District Technology Resources

Access to Lyndonville Central School District technology resources is determined by the Lyndonville Central School District consistent with its organizational priorities. Such access may be granted or denied in the discretion of the Lyndonville Central School District. The Lyndonville Central School District authorizes the Superintendent to make decisions with respect to access to and use of Lyndonville Central School District technology resources.

Monitoring, Searches, Inspections, and Review of Use of Technology Resources

Network administrators, school authorities and their designees may review files and monitor Internet usage (including but not limited to websites visited) and communications including but not limited to e-mail, chat, and instant messaging, for purposes such as accessing information, resolving technical problems, maintaining system integrity, and ensuring that Lyndonville Central School District technology resources are being used responsibly. Lyndonville Central School District technology resources, including but not limited to computers, computer systems, computer networks, Internet connections, Intranet, laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, any other technology or storage devices, and communications systems (including but not limited to e-mail, chat, and instant messaging systems) (including but not limited to all computer communications transmitted, received and/or stored on Lyndonville Central School District systems), are exclusively the property of the Lyndonville Central School District. No employee, student or other individual or entity has any expectation of privacy in the use of, or any material stored on, Lyndonville Central School District technology resources. All such Lyndonville Central School District technology resources are subject to search, inspection and review at any time. All users will be deemed to have consented to the foregoing terms and provisions.

Security

Users are required to respect the rights and property of others and may not improperly access, appropriate, or misuse the files, data, or information of others.

Users shall not, without express supervisory authorization, share accounts with anyone or leave any accounts open or passwords unattended.

Users shall, consistent with supervisory directives, keep all accounts and passwords confidential and take reasonable steps to maintain the confidentiality of accounts and passwords.

Users shall, with supervisory authorization, regularly change passwords.

Users are responsible for making back-up copies of important documents, consistent with supervisory directives.

Use of Hardware and Software

Users are responsible for taking precautions to prevent viruses on Lyndonville Central School District's equipment. Users shall consult the system manager (technology department), and acquire express authorization or approval from a Lyndonville Central School District administrator, before installing any programs or software on any Lyndonville Central School District computer. Installation or loading of personal business programs or software onto a Lyndonville Central School District computer, for use not related to carrying out of responsibilities as an employee of the Lyndonville Central School District, is prohibited. The illegal installation of copyrighted software or files, on any Lyndonville Central School District computer, is prohibited.

Management and Retention of Records

Records sent via e-mail must be identified, managed, protected, and retained for as long as they are needed to meet operational, legal, audit, research or other requirements. Such records needed to support program functions will be retained, managed and accessible. A record may be destroyed or otherwise disposed of only in accordance with the Records Retention and Disposition Schedule ED-I, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and provided that the record does not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the minimum period established by law.

Examples of messages sent by e-mail that typically constitute records that are subject to retention requirements include the following:

- a) Policies and directives.
- b) Correspondence or memoranda related to official business.
- c) Work schedules and assignments.
- d) Agendas and minutes of meetings.

- e) Drafts of documents that are circulated for comment or approval.
- f) Any document that initiates, authorizes or completes a business transaction.
- g) Final reports or recommendations.

Application of This Policy to Technology Resources that are not Property of the Lyndonville Central School District

The Lyndonville Central School District is cognizant that students and staff may be using personal technology resources at Lyndonville Central School District, in the Lyndonville Central School District school environment, and/or in the course of Lyndonville Central School District activities. Examples of such resources include computers, laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, and any other storage or technology devices brought from outside the Lyndonville Central School District. The Lyndonville Central School District reserves the right to prohibit, restrict, or limit the use of any such personal technology resources at Lyndonville Central School District, in the Lyndonville Central School District school environment, and/or in the course of Lyndonville Central School District activities.

The use of personal technology resources not owned or leased by the Lyndonville Central School District falls within the scope of this Acceptable Use Policy for students, employees, and any other users. Accordingly, all of the restrictions, limitations, and prohibitions set forth above under the heading "Unacceptable Uses of Technology Resources" applies to use of personal technology resources at Lyndonville Central School District, in the Lyndonville Central School District school environment, and/or in the course of Lyndonville Central School District activities.

The terms and provisions of this policy pertaining to the authority of Lyndonville Central School District representatives to monitor, search, and/or inspect Lyndonville Central School District technology resources shall also apply, to the maximum extent allowable by law, to personal technology resources that are used at Lyndonville Central School District, in the Lyndonville Central School District school environment, or in the course of Lyndonville Central School District activities.

Additionally, the Lyndonville Central School District is not responsible for loss of any technology resources not owned or leased by the Lyndonville Central School District.

Use of Cameras

Photographing individuals in secured areas such as lavatories, locker rooms, or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against his/her will, is strictly prohibited. Electronic or other transmission of photographs of any person without express permission is strictly prohibited. The foregoing terms and provisions shall not preclude or prohibit: A Lyndonville Central School District administrator or other authorized staff member from carrying out official Lyndonville Central School District business that may involve use of a camera; or other video surveillance that is expressly approved by the Superintendent.

Violations of Policy

A violation of law or Lyndonville Central School District policy or regulation shall be grounds for disciplinary or other appropriate action, consistent with any applicable laws, regulations, policies and/or contracts.

Construction and Administration

This policy shall be construed in accordance with applicable law.

The Superintendent shall have authority to administer this policy and promulgate any rules, regulations, and/or forms consistent with the terms and provisions of this policy.

LYNDONVILLE CENTRAL SCHOOL DISTRICT

EMPLOYEE COMPUTER USE AGREEMENT

Every Lyndonville Central School District employee will be required to sign this computer Acceptable Use Agreement.

Computer use is often a valuable and necessary component of an employee's work. In addition, varying work responsibilities result in access to information sources such as software, programs, the Internet, and the District's computer network. Although employees may have access to these information sources, their use must be specially authorized. Access and authorization to information and equipment carry a corresponding responsibility to their appropriate use. Access should be primarily for educational and professional or career development activities. All hardware, including computers and equipment, is the property of the Lyndonville Central School District and will fall under the guidelines listed below. Expectations of employees include, but are not limited to, the following:

a) Student Personal Safety:

1. Employees who supervise students with access to technical resources shall be familiar with the Lyndonville Central School District Student Internet Use Agreement and enforce its provisions.

2. All student computer use must be supervised.

b) Illegal or Destructive Activities:

1. Employees shall not go beyond their authorized access to the District network or other computer equipment or software including the files or accounts of others.

2. Employees shall not disrupt or attempt to damage or disrupt any computer, system, system performance, or data.

3. Employees shall not use District equipment to engage in illegal acts.

c) System Security:

1. Employees are responsible for the security of their computer equipment, files and passwords.

2. Employees shall promptly notify their immediate supervisor of security problems.

3. Employees with access to student records may not use, release, or share these records except as authorized by Federal and State law.

d) Inappropriate Conduct:

1. The following are prohibited when using any technical resource:
 - (a) Obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language;
 - (b) Potentially damaging, dangerous, or disruptive material;
 - (c) Personal or generalized harassment in violation of District policies; and
 - (d) False or defamatory information.
- e) Plagiarism and Copyright Infringement:
 1. Works may not be plagiarized.
 2. The rights of copyright owners are to be respected. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by copyright. If an employee is unsure whether or not a work can be used, the copyright owner should be contacted for permission.

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

COMPENSATION AND RELATED BENEFITS

Health Insurance

Policy # 6510

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Policy References:

Consolidated Omnibus Budget Reconciliation Act

of 1985

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

COMPENSATION AND RELATED BENEFITS

Workers' Compensation

Policy # 6520

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Policy References:

Education Law Sections 1604(31), 1709(34) and 2503(10)

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

COMPENSATION AND RELATED BENEFITS

Payroll Deductions

Policy # 6530

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Policy References:

Education Law Sections 1604 and 1709

Adoption Date: 7/14/2008
6000 - Personnel**Policy Information****Series 6000 - Personnel****COMPENSATION AND RELATED BENEFITS****Defence and Indemnification of Board Members and Employees**

Policy # 6540

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission, which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Policy References:

Paul D. Coverell Teacher Protection Act of 2001, as

authorized by the No Child Left Behind Act of 2001,

20 United States Code (USC) Section 6731 et seq.

Education Law Sections 1604(25), 1604(31-b), 1709(26),

1709(34-b), 2560, 3023, 3028 and 3811

General Municipal Law Sections 6-n and 52

Public Officers Law Section 18

Policy Information**Series 6000 - Personnel****COMPENSATION AND RELATED BENEFITS****Leaves of Absence**

Policy # 6550

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

Leaves of absence, contractual, et al.

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

Leaves of absence, unpaid, not covered above

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

- d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Other leaves of absence

a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

e) Nursing Mothers

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District will not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee. At the employee's option, the District will allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

f) Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. A victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his or her rights as provided under the law.

g) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

h) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333

Civil Service Law §§ 71-73 and 159-b

Education Law §§ 1709(16), 3005, 3005-a and 3005-b

General Municipal Law § 92-c

Judiciary Law §§ 519 and 521

Labor Law §§ 202-a, 202-c, 202-I, 202-j and 206-c

Military Law §§ 242 and 243

Penal Law § 215.14

Adoption Date

August 2018

Policy References:

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code

(USC) Sections 4301-4333

Civil Service Law Sections 71-73, 159-b and 159-c

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Labor Law Sections 202-a, 202-c, 202-i, 202-j and 206-c

Military Law Sections 242 and 243

Adoption Date: 7/14/2008, Revised: 8/15/2018
6000 - Personnel

Policy Information

Series 6000 - Personnel

COMPENSATION AND RELATED BENEFITS

Family and Medical Leave Act

Policy # 6551

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

*The School District must compute the time frame of the twelve (12) month period for which FMLA leave is being requested. The following four (4) choices are available:

- a) The calendar year January through December; or
- b) A fixed leave year based on (e.g., fiscal year); or
- c) A twelve (12) month period measured forward from the date of the employee's first FMLA leave usage; or
- d) A "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.

*The District uses (a, b, c, or d,) as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;

*District must customize by choosing a, b, c, or d for calculating the related twelve (12) month period.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

(26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3

National Defense Authorization Act of 2008, Public Law 110-181

10 USC 101(a) (13)

29 USC 1630.1 and 2611-2654

29 CFR Part 825 and Part 1630

42 USC 12102

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 -- Uniformed Services Employment and Reemployment Rights

Act (USERRA)/Military Leaves of Absence

Adoption Date

June 24, 2013

Policy References:

Family and Medical Leave Act of 1993

Public Law 103-3

29 Code of Federal Regulations (CFR) Part 825

Adoption Date: 7/14/2008, Revised: 6/22/2009
6000 - Personnel

Policy Information

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COMPENSATION AND RELATED BENEFITS

Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence
Policy # 6552

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of thirty (30) days or twenty-two (22) working days, whichever is greater, in any one calendar year; and shall not exceed thirty (30) days or twenty-two (22) working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten (10) days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an employee means a person who performs services for hire for the District for an average of twenty (20) or more hours per week, and includes all individuals employed at any District site having twenty (20) or more District employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement, or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (as defined in [State Education Law Section 3101](#), the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website <http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

Policy References:

The Uniformed Services Employment and Reemployment

Rights Act of 1994 (USERRA)

38 United States Code (USC) Sections 4301-4333

Public Law 108-454

20 Code of Federal Regulations (CFR) Part 1002

Military Law Sections 242 and 243

Education Law Section 3101

Adoption Date: 7/14/2008
6000 - Personnel

Policy Information

Series 6000 - Personnel

COMPENSATION AND RELATED BENEFITS

Employee Assistance Program

Policy # 6560

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

NOTE: Refer also to Policies #3410 -- [Code of Conduct on School Property](#),
#6150 -- [Alcohol, Drugs and Other Substances \(School Personnel\)](#)

#6151 -- Drug-Free Workplace

Policy Cross References:

- » 3410 - Code of Conduct on School Property
- » 6150 - Alcohol, Drugs and Other Substances (School Personnel)
- » 6151 - Drug-Free Workplace

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6000 - Personnel
