

Bolivar-Richburg Central School District

6110 CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

General Provisions

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Bolivar-Richburg Central School District recognizes that there are rules of ethical conduct for members and officers of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members, officers and employees of the District. These rules shall serve as a guide for official conduct of the Board members, officers and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members, officers and employees.

Standards of Conduct

Every Board member, officer or employee of the Bolivar-Richburg Central School District shall be subject to and abide by the following standards of conduct:

- a) Gifts. Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.
- b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.
- c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in

relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

- e) Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education and any officer or employee of the Bolivar-Richburg Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.
- f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.
- g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- h) Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Bolivar-Richburg Central School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Legal Remedies

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member, officer or employee of any claim, account, demand or suit against the Bolivar-Richburg Central School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

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The Superintendent of the Bolivar-Richburg Central School District shall cause a copy of this code of ethics to be distributed to every Board member, officer and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member, officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members, officers and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member,

officer or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

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In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date

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This resolution shall take effect immediately.

General Municipal Law, Article 18

6120 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status or disability.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to ensure its availability to interested citizens and groups.

Job descriptions for all District positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.) Section 2000-e et seq.
Prohibits discrimination on the basis of race, color, religion,
sex or national origin.
Title VI of the Civil Rights Act of 1964,

42 United States Code (U.S.C.) Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.

The Americans With Disabilities Act,
42 United States Code (U.S.C.) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (U.S.C.) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

New York State Executive Law Section 290 et seq.

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

Age Discrimination in Employment Act,
29 United States Code (U.S.C.) Section 621
Military Law Sections 242 and 243

6121 SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature 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; and
- 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.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Complaint Officers, one (1) of each gender.

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 Complaint Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Complaint Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

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. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of the investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Complaint Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297

6122 COMPLAINTS AND GRIEVANCES BY EMPLOYEES

Related Policies & Documents: Refer also to Policy #3420

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.

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, sexual orientation or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex, sexual orientation 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, age, veteran or marital status.

Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.) Section 2000-e, et seq.
Prohibits discrimination on the basis of race, color, religion,
sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (U.S.C.) Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.

The Americans With Disabilities Act,
42 United States Code (U.S.C.) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (U.S.C.) Section 1681 et seq.
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color,
national origin, sex, marital status, sexual orientation or
disability.

New York State Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability or
marital status.

Age Discrimination in Employment Act,
29 United States Code (U.S.C.) Section 621.

Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

6123 POSTING REQUIREMENT OF CORRECTION LAW ARTICLE 23-A

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offenses.

Labor Law Section 201-f

6130 EVALUATION OF PERSONNEL: PURPOSES

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.

8 New York Code of Rules and Regulations
(NYCRR) Sections 80-1.1 and 100.2(o)(2)

6140 HEALTH EXAMINATIONS

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

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

Support staff initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician.

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 twelve-month period.

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

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.

Education Law Section 913

Bus Drivers:

8 New York Code of Rules and Regulations
(NYCRR) Section 156.3(2)

Rules and Regulations of the Commissioner of
Motor Vehicles Section 5.09-b

Cafeteria Workers: State Sanitary Code

6150 ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

Related Policies & Documents: Refer also to Policies #3410, #6560. #7320

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 insured 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.

Education Law Sections 913, 1711(2)(e), and 3020-a
Civil Service Law Section 75

Safe and Drug-Free Schools and Communities Act,
as reauthorized by the No Child Left Behind Act of
2001

20 United States Code (U.S.C.) Section 7101 et seq.

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

6151 DRUG-FREE WORKPLACE

Related Policies & Documents: Refer also to Policies #3410, #6150, #6560, #7320

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 U.S.C. 812) and as further defined in regulation at 21 Code of Federal Regulations (C.F.R.) 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.

Drug-Free Workplace Act

20 United State Code (U.S.C.) Section 7101 et seq.

21 United State Code (U.S.C.) Section 812

21 Code of Federal Regulations (C.F.R.)

1308.11- 1308.15

34 Code of Federal Regulations (C.F.R.) Part 85

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

6160 PROFESSIONAL GROWTH/STAFF DEVELOPMENT

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.

Education Law Section 1604(27)
General Municipal Law Sections 77-b and 77-c

6161 MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

Effective February 2, 2004, all new teachers in the School District/BOCES 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/BOCES must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District/BOCES 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/BOCES 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/BOCES 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/BOCES 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/BOCES 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.

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)

6170 SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

Effective July 1, 2010, the provisions in law which permitted the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED *terminated*; and shall be rescinded as Board policy and procedure as of that date unless subsequent revisions to applicable law provide otherwise.

The District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes 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 shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as *TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on www.highered.nysed.gov/tcert/ospra. To request access to TEACH, e-mail TEACHHELP@mail.nysed.gov.

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 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

6210 CERTIFIED PERSONNEL

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.

8 New York Code of Rules and Regulations
(NYCRR) Part 30
Education Law Sections 2510 and 3013

6211 RECRUITMENT

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.

Education Law Section 3012

6212 CERTIFICATION

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The original certificates and/or licenses must be presented for examination and copying in the Office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the Superintendent's files in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

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

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

6212.1 INCIDENTAL TEACHING

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.

8 New York Code of Rules and Regulations
(NYCRR) Section 80-5.3

6213 PROBATION AND TENURE

Probation

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

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

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

Tenure

Certified staff members successfully completing a probationary period in the Bolivar-Richburg Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

6213.1 DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

It is the policy of the Board of Education that disciplinary charges against teachers and certified personnel will be initiated to determine the fitness of the employee to continue to carry on his/her professional responsibilities.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

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

6214 PROFESSIONAL STAFF: SEPARATION

A professional staff member may be dismissed upon provision of at least sixty (60) days notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

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.

Education Law Sections 3012, 3019-a, and 3031

6215 EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

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.

Education Law Section 3016

General Municipal Law Sections 800-809

6216 PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

Related Policies & Documents: Refer also to Policy #6160

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. The New York Patriot Plan was enacted to recognize members of the military, called to active duty, so that they were not discriminated against in employment or education because of their military status.

Professional continuing education requirements for active military are waived during the period of military service or reduced proportionately for partial periods of service during certification. Certifications due to expire during military service are extended for the length of the service plus an additional 12 months after release from service. However, this shall not be construed to permit those who have had certifications revoked or suspended to continue to engage in such professions.

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.

8 New York Code of Rules and Regulations (NYCRR) Subpart 80-3 and Section 100.2(dd)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

6220 TEMPORARY PERSONNEL

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

Student Teachers

The Bolivar-Richburg Central School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitute teacher qualified to teach in the Bolivar-Richburg Central School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

8 New York Code of Rules and Regulations
(NYCRR) Section 80-5.4
Education Law Section 3023

6310 APPOINTMENT - SUPPORT STAFF

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 and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

6320 EMPLOYMENT OF TEACHER AIDES

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

The duties and responsibilities to be assumed by aides shall be outlined by the Superintendent of Schools.

Persons employed as aides shall be responsible to the building principal and/or his/her designated representatives.

8 New York Code of Rules and Regulations
(NYCRR) Section 80-5.6

6410 MAINTAINING DISCIPLINE AND CONDUCT

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

6420 EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**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.

8 New York Code of Rules and Regulations
(NYCRR) Part 84
Public Officers Law Section 87

6430 EMPLOYEE ACTIVITIES

Related Policies & Documents: Refer also to Policy #5560

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

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6440 NEGOTIATIONS

Legal Status

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) Bolivar-Richburg Faculty Association;
- b) Bolivar-Richburg Central School District Unit of Civil Service Employees' Association, Inc., CSEA-AFSCME Local 1000, AFL/CIO;
- c) Bolivar-Richburg Administrators' Association.

6450 THEFT OF SERVICES OF PROPERTY

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.

6460 JURY DUTY

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 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.

Judiciary Law Section 521(b)

6470 STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

Related Policies & Documents: Refer also to Policies #5672, #6411, #7243, #7316, #8271

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 prohibited. 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

6510 HEALTH INSURANCE

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.

Consolidated Omnibus Budget
Reconciliation Act of 1985

6511 AFFORDABLE CARE ACT SHARED RESPONSIBILITY FOR EMPLOYERS (SECTION 4980H)

It is the policy of Bolivar-Richburg Central School District to comply with all obligations under the Patient Protection and Affordable Care Act ("ACA") and New York State law and associated regulations, with

respect to offering minimum essential health care coverage to its eligible employees.

“Eligible employees” under the ACA are defined as employees who average at least thirty (30) hours of service per week or one hundred thirty (130) hours per month.

“Hours of service” include not only hours worked, but also compensated hours for vacation, holiday, sick leave, disability, jury duty, military leave, or other leaves of absence.

The District will employ the Look Back Measurement Method safe harbor when determining the status of a variable-hour employee as full-time.

Bolivar-Richburg Central School District establishes the Standard Measurement, Standard Administrative, and Standard Stability periods for current variable-hour employees, as required by the ACA Shared Responsibility for Employers (Section 4980H), as follows:

Standard Measurement Period	May 1	to	April 30
Standard Administrative Period	May 1	to	June 30
Standard Stability Period	July 1	to	June 30

Further, Bolivar-Richburg Central School District establishes the Initial Measurement, Initial Administrative, and Initial Stability periods for newly hired variable-hour employees as follows:

Initial Measurement Period	12 months from first date of work
Initial Administrative Period	60 days immediately following end of Initial Measurement Period

Initial Stability Period

12 months immediately following end of Initial
Administrative Period

The Superintendent or his/her designee shall be responsible for developing procedures to ensure compliance with the ACA Shared Responsibility for Employers in accordance with District policy, Federal and State laws and regulations, and applicable collective bargaining agreement provisions.

Adopted: 12/1/15

6520 WORKERS' COMPENSATION

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.

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

6530 PAYROLL DEDUCTIONS

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

Education Law Sections 1604 and 1709

6540 DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

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 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 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.

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 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 District 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 indemnify and save harmless to exist.

Exceptions to Liability Coverage

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

Paul D. Coverdell Teacher Protection Act of
2001, as authorized by the No Child Left
Behind Act of 2001
20 United States Code (U.S.C.)
Section 6731 et seq.
Public Officers Law Section 18
Education Law Sections 1604(25) and (31-b),
1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

6550 LEAVES OF ABSENCE

a) In general, leaves of absence:

1. Shall be administered by the Superintendent.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.

3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

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

2. Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where such 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.

3. Employees who are under contract to the District:

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

c) Leaves of absence, unpaid, not covered in b) 1. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

(a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

(b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
4. 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.

d) Other leaves of absence:

1. 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 shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood donation

Employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Bone Marrow donation

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

e) Other Leaves

1. Nursing Mothers

The District shall 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 (3) years following child birth. The District shall 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.

2. Military Leave

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

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

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 and 202-j

Military Law Sections 242 and 243

6551 FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (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 District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

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. 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 infant;
- b) Adoption of a child and care for the infant;

- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job;
- f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

Implementation/Benefits

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. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to

return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

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.

Administration shall provide information to employees regarding their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993, Public Law 103-3
29 Code of Federal Regulations (CFR) Part 825

6560 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Related Policies & Documents: Refer also to Policies #3410, #6150, #6151

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.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)
#6151 -- Drug-Free Workplace
