

POLICY

2008

6000

Personnel

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Mount Pleasant Central School District

NUMBER

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**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.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law 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 or 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 authorize 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.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL (Cont'd.)**

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. Employees, officers, and agents will not solicit or 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, 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.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL (Cont'd.)**

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: 2/27/08
Revised: 10/16/13; 2/10/2021

POLICY

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Personnel

SUBJECT: 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, military status, veteran status, disability, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

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

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

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

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.

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 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.

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 offences.

Civil Penalties in Employment Discrimination Matters

New York State Human Rights Law imposes civil fines and penalties, payable to the State, of up to \$50,000 for unlawful acts of employment discrimination, and up to \$100,000 for willful, wanton, or malicious discrimination. In accordance with law, these penalties may be assessed in all cases of

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Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

employment discrimination (e.g., whether such a claim is pursued in a more formal court action or through an administrative proceeding before the New York State Division of Human Rights). Under the legislation, an employer with fewer than fifty (50) employees may be allowed to pay the civil fines and penalties in installments.

The new civil fines do not replace or limit other relief under New York State Human Rights Law that may be awarded to a prevailing complainant in an administrative proceeding which includes, but is not limited to, affirmative relief from the employer (e.g., an order that the individual be hired, promoted or reinstated by the employer), backpay and other compensatory damages (e.g., emotional distress damages). The New York State *Division of Human Rights* cannot award punitive damages or attorney's fees to a prevailing complainant in an administrative proceeding. However, a *New York State Court* may award a prevailing plaintiff in a court action various relief, including, but not limited to, punitive damages and attorney's fees. (An administrative proceeding before the New York State *Division of Human Rights* and an action commenced in a *New York State Court* represent two different ways to seek redress for acts of alleged employment discrimination.)

Age Discrimination in Employment Act, 29 USC Section 621

Americans With Disabilities Act, 42 USC Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233

Prohibits discrimination in the workplace based upon genetic information.

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.

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

Title VII of the Civil Rights Act of 1964, 42 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 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.

Civil Service Law Section 75-B

Executive Law Section 290 et seq.

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

Labor Law Section 201-f

Military Law Sections 242 and 243

Adopted: 2/27/08

Revised: 10/16/13

POLICY

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Personnel

SUBJECT: SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students staff, and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender, gender identity, gender expression and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment, including sexual violence. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District. Since sexual violence is a form of sexual harassment, the term “sexual harassment” in this policy will implicitly include sexual violence, even if not explicitly stated, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

“Gender-based harassment” means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment occurs when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or “non-employee’s” employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's or “non-employees” employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or “non-employee’s” work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

SUBJECT: SEXUAL HARASSMENT (Cont'd)

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes, but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee, or "non-employee".

Under various state and federal laws, students, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

Prohibited Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limit to, the following:

1. rape, attempted raped, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or advances, or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "rating lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preferences;

SUBJECT: SEXUAL HARASSMENT (Cont'd)

6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies," or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit), pinching, placing hands inside an individuals' pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material etc.;
12. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

For the purposes of this policy, action or conduct shall be considered "unwelcome" if the employee, student, or "non-employee" did not request or invite it and regarded the conduct as undesirable or offensive.

Determining if Prohibited Conduct is Sexual Harassment

All complaints of sexual harassment will be taken seriously and will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, persistent or pervasive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

SUBJECT: SEXUAL HARASSMENT (Cont'd)

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co- worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment
6. the location of the incidents and context in which they occurred;
7. other incidents at the school;
8. incidents of gender-based, but non-sexual harassment; and
9. any other matters considered relevant to the circumstance.

Reporting Complaints and Confidentiality

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. Such disclosure shall be made to individuals on a "need-to-know" basis.

The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender. In addition, the Board will designate a second individual for compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harassers is the Compliance Officer.

The victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Compliance Officer and/or Title IX coordinator without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is District policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any

SUBJECT: SEXUAL HARASSMENT (Cont'd)

third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy.

Corrective Action

If, after appropriate investigation, the District finds that a student, an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and State law or Federal law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses for complaints of sexual harassment are prohibited in all district contracts and agreements.

Prohibition on Retaliatory Behavior

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Any act of retaliation against any person who complains of sexual harassment, is prohibited an illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning a sexual harassment complaint is prohibited.

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 of Schools.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that none of the individuals involved in the investigation of sexual harassment have suffered any retaliation.

SUBJECT: SEXUAL HARASSMENT (Cont'd)

Training

In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment including but not limited to the following:

1. All students and employee shall be informed of this policy in student and employee handbooks and student registration materials. The policy shall be posted on the District's website and in prominent locations at each school.
2. All new employees shall receive information about the policy and procedures concerning the prohibition against sexual harassment at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and District's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive a yearly training on this policy, procedures and related legal developments.
3. Program directors and principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

Annual employee training programs shall include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints.

Legal Protections and External Remedies

As stated above, sexual harassment is not only prohibited by the School District but is also prohibited by state, federal, and, where applicable, local law.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects

SUBJECT: SEXUAL HARASSMENT (Cont'd)

employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

SUBJECT: SEXUAL HARASSMENT (Cont'd)

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at

info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the enforcement of Title IX. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

For assistance related to Title IX or other civil rights laws, please contact [OCR](#) at OCR@ed.gov or 800-421-3481, TDD 800-877-8339.

Dignity for All Students Act

The Dignity for All Students Act (DASA), codified as N.Y. Education Law, art. 2, § 10 et seq., protects all students from harassment, bullying and discrimination while on school grounds and during school activities based on numerous protected classes, including, but not limited to sexual orientation, gender (including gender identity and expression), and sex. A complaint alleging a violation of DASA may be made to one of the School District's Dignity Act Coordinators and/or any staff member in accordance with the School District's policy.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

SUBJECT: SEXUAL HARASSMENT (Cont'd)

This policy shall be posted in a prominent place in each District facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications. A committee of administrators, teachers, parents, and students shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to the Board of Education.

Cross Ref: Dignity for All Students
Code of Conduct

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Revised: 12/12/18
Adopted: 2/27/08

POLICY

Internal Operations

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

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 (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 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, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

(Continued)

POLICY

2010

6122
2 of 2

Internal Operations

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd)

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 IV of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d, 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.
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race,
creed, color, national origin, sex, sexual
orientation, disability, military status, predisposing
genetic characteristics, marital status, use of a
recognized guide dog, hearing dog or service dog,
or domestic violence victim status.
Military Law Sections 242 and 243

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

Amended: 1/19/11

Adopted: 2/27/08

SUBJECT: EVALUATION OF PERSONNEL

The Mount Pleasant Central School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and Principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

APPR Ratings

For those teachers and Principals subject to Education Law 3012-d, 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 as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

The ratings scale based on composite scores has been established as follows:

- 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.

(Continued)

SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan (TIP) or (PIP). 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 consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

Disclosure of APPR Data

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-d, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-dc. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law 3012-d
Public Officers Law Sections 87 and 89
8 NYCRR Sections 80-1.1 and 100.2(o)

Adopted: 2/27/08
Revised: 10/23/19

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Pre-employment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employment Entrance Examinations

All entering employees are required to obtain a medical examination after an offer of employment has been made and prior to the commencement of the employment duties of such applicant. Further, the District may condition an offer of employment on the results of the examination in accordance with law.

When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A staff member, however, may elect to have a medical examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a medical 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.

Each vendor/contract bus company shall ensure that its bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company 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).

(Continued)

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)

Examinations and Inquiries

Acceptable

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164
Education Law Sections 913 and 3624
8 NYCRR Section 156.3(2)
10 NYCRR Part 14
15 NYCRR Part 6

Adopted: 2/27/08
Revised: 10/23/19

POLICY

2008

6150

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

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.

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

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

Adopted: 2/27/08

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POLICY

2008

6151

Personnel

SUBJECT: DRUG-FREE WORKPLACE

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.

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

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

Adopted: 2/27/08

Personnel

SUBJECT: 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.

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POLICY

2008 6160

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Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT, (Cont'd)

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.

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. *Mileage will be paid at the rate fixed by the Internal Revenue Service for business travel.*

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.

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)

Amended: 10/22/08

Adopted: 2/27/08

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

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

All conference travel must have a completed Travel Conference Request on file which has been approved by the appropriate supervisor. The Superintendent or designee must approve those Travel Conference Requests which have reimbursable employee expenses.

All conference reimbursement requests must be submitted through district approved procedures.

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 which are modeled after the United States General Services Administration per diem rates.

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when it is an actual and necessary expense. 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 "E-ZPass" 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](#)

Adopted: 2/10/2021

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

Unless otherwise authorized in accordance with law and regulation, 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, email 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 NYCRR Sections 80-1.11 and Part 8

Adopted: 2/27/08
Revised: 10/23/19

POLICY

2016 6180
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Personnel

SUBJECT: EMPLOYEE IDENTIFICATION BADGES

The Mount Pleasant Central School District is committed to providing a safe and secure environment for our students and employees. The identification badge serves the dual purpose of allowing access to secured areas as well as readily identifying school district employees and other authorized personnel. In addition, the identification badges will provide measured protection against unauthorized personnel and intruders from entering district buildings.

Employees, Temporary Staff, Student Interns/Teachers and Contractors

Identification badges will be issued by the Office of Human Resources to all existing and new full-time and part-time employees. The badges will include the employee's name and photograph and will allow access to the employee's assigned building. Badges shall be worn during the school day and when advising or chaperoning school-sponsored activities.

Leave Replacements, Long-Term Substitutes and Permanent Substitutes will be issued an ID badge by the Office of Human Resources with photograph and access to assigned building.

All substitute employees (i.e., per-diem substitute teachers, substitute teacher aides, substitute school monitors, per-diem clerical substitutes and per-diem substitute nurses) will receive an ID badge which identifies them as "Substitute" with no photograph or access to buildings. The badge must be obtained from the Main Office upon arrival to their designated work location and must be returned at the end of the school day.

Student interns and student teachers will receive an ID badge which designates them as "Intern", but will have no photograph or access to buildings. The badge must be returned to the Main Office upon completion of the internship/student teaching assignment with Mt. Pleasant.

Contractors who work with students on a daily basis (i.e., physical and occupational therapists) will receive an ID badge which designates them as "Contractor" and includes their name and photograph, but no access to buildings. ID Badges for food service employees will be designated with the name of the food service provider.

Contractors who report to any of our facilities on an occasional basis will sign in and receive a visitor sticker.

POLICY

2016 6180

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Personnel

SUBJECT: EMPLOYEE IDENTIFICATION BADGES

Coaches will receive access to the appropriate buildings Monday through Friday as per the district's developed time zones. A schedule of athletic events will be forwarded to the Senior Custodian in advance, and a custodian will be available by contract to make the building accessible to coaches for Saturday events.

In the event that an employee's identification badge is lost or stolen, one replacement will be provided by Human Resources free of charge. Any additional replacements will be assessed a fee of \$15. Lost or stolen cards should be reported to Human Resources immediately so the old card can be inactivated.

The ID badge is the property of the school district and may only be used by the individual to whom it was issued. Employees may not loan their ID badge to anyone for any reason. All employee identification badges will be collected and secured annually with end of year materials. Upon separation from employment, employees are required to return the ID badge to Human Resources.

Visitors

Visitors, including approved volunteers and vendors, will receive a visitor sticker after signing in and gaining permission to be on the premises during school hours. The badge must be worn in a highly visible manner while in district buildings.

Adopted: 3/19/14; Revised: 11/16/16

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff 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 or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, 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.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking websites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Compliance Officer. In all events such reports shall be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT**Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect for each other, as well as students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
 - 1. Develop and implement a program;

(Continued)

Personnel

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

2. Address situations which could result in serious physical harm.
 - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
 - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

What is Workplace Violence

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

- g) An individual who has a personal relationship with an employee.

Prohibited Conduct

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

Workplace Violence Prevention Advisory Committee

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

Workplace Violence Prevention Coordinator

The District has designated the following District employees to serve as its Workplace Violence Prevention Coordinators: Dr. Adam Bronstein, Assistant Superintendent of Curriculum, Instruction & Administrative Services and Susan Tropeano, Executive Assistant for Human Resources.

(Continued)

Personnel

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of the District's WVPP.

Reporting Workplace Violence

The District has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Inspections by the Commissioner of LaborAt the Request of an Employee or Authorized Employee Representative

If the District has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PESH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
 - 1. Making high-risk areas more visible to more people;
 - 2. Installing good external lighting;
 - 3. Using drop safes or other methods to minimize cash on hand;
 - 4. Posting signs stating that limited cash is on hand;
 - 5. Providing training in conflict resolution and nonviolent self-defense responses; and
 - 6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

(Continued)

Personnel

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

Training

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program.

Notification

This policy will be posted where notices to employees are typically posted. The District will make its WVPP available to employees, authorizes employee representatives, and the Commissioner of Labor upon request and in the work area.

Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.

Labor Law Section 27-b
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3411 -- Unlawful Possession of a Weapon Upon School Grounds
#3412 -- Threats of Violence in School
#3420 -- Anti-Harassment in the School District
#5681 -- School Safety Plans
#5741 -- Use of Surveillance Cameras in the District on School Buses
#5690 -- Exposure Control Program
#6121 -- Sexual Harassment of District Personnel
#6122 -- Complaints and Grievances by Employees
#7350 -- Timeout and Physical Restraint
#7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date: February 7, 2024

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

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.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

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

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. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The Superintendent of Schools shall be responsible for informing students and staff of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the *District Code of Conduct* and annual review of Employee Handbook.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 NYCRR Part 83

Adopted: 10/23/19

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POLICY

2008

6210

Personnel

SUBJECT: 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.

For purposes of the Mount Pleasant Central School District's realizing the benefits of having teachers well versed in the curriculum within the grade continuum of K through 6, and in the area(s) of certification 7-12, the Board of Education philosophically supports the practice of having administrators review assignments for each teacher across grades and buildings within their certification area(s) and, at the discretion of the administrator(s), transferring teachers to a different grade/building assignment within their certification/tenure area.

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

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

Adopted: 2/27/08

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POLICY

2008

6211

Personnel

SUBJECT: 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.

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 2000-d et seq.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e 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

Adopted: 2/27/08

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SUBJECT: CERTIFICATION AND QUALIFICATIONS

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

- 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) Through the New York Patriot Plan, Commissioner's regulations have amended education law. Provisions extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional twelve (12) months from the end of such service. These also reduce the professional development requirements for certification holders called to active duty for the time of such active service.
- c) Verification of certification/licensure must be presented to the Office of the Superintendent of Schools. Physical verification will be maintained in the employee's personnel file 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.
- d) 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.

Qualifications of Teachers

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District must ensure that on or after September 2, 2009 a candidate for a teaching certificate or license as a special education teacher shall, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism.
- c) Enhanced training in the needs of autistic children shall also be completed by each certified school administrator or supervisor assigned on or after September 2, 2009 to serve as a.

SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)

special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. Individuals serving as special education administrators as of September 2, 2009 shall complete such training by such date. The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (BOCES) may provide such training as part of its professional development program

Parent Notification

In accordance with the federal No Child Left Behind Act, the District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following shall be provided by the District upon such requests:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/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.

All requests shall be honored in a timely manner.

20 USC Section 7801(23)

34 CFR Sections 200.55 and 200.56

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

8 NYCRR Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 80.4, 80.5, 100.2(dd) and 100.2(o)

Adopted: 2/27/08

Revised: 10/23/19

POLICY

2008

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1 of 2

Personnel

SUBJECT: 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.

(Continued)

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POLICY

2008

6213
2 of 2

Personnel

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

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

Adopted: 2/27/08

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POLICY

2008

6214

Personnel

SUBJECT: 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

At the expiration of the probationary period or within six months prior thereto, the Superintendent shall make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the School District. The Board may then by a majority vote appoint on tenure any or all of the persons recommended by the Superintendent.

The Board will follow all applicable statutes regarding tenure.

Resolutions Making Appointments

Each 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 educator will devote a substantial portion of his/her time;
- c) The date of commencement of probationary service or service on tenure in each such area;
- d) The expiration date of the appointment, if made on a probationary basis; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law Sections 2509, 3012 and 3031
8 New York Code of Rules and Regulations (NYCRR) Part 30

Adopted: 2/27/08

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SUBJECT: 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.

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.

Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education

The Commissioner of Education shall revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent of schools convicted of a sex offense for which registration as a sex offender is required under the Sex Offender Registration Act. These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation shall be in accordance with Education Law Section 305(7-a).

In addition, the Commissioner of Education shall 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 felony to obtain governmental property in excess of one thousand dollars (\$1,000) through a systemic ongoing course of conduct with the intent to defraud or obtain property by false or fraudulent pretenses, representations or promises. Annulment and revocation shall be in accordance with Education Law Section 305(7-b).

Criminal Procedure Law Section 380.95
Education Law Sections 305(7-a), 305(7-b), 3012 and 3020-a
Penal Law Section 195.20
8 NYCRR Subpart 82-1

Adopted: 2/27/08
Revised: 10/23/19

POLICY

2008

6216

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

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.

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

Adopted: 2/27/08

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POLICY

2008

6217

Personnel

SUBJECT: 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

Adopted: 2/27/08

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POLICY

2008

6220

Personnel

SUBJECT: 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 Mount Pleasant 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 Mount Pleasant 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.

Eligibility for Service

Per Commissioner's Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

- a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.
- c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

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

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

Adopted: 2/27/08

POLICY

2008

6310

Personnel

SUBJECT: 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, 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.

Civil Service Law Section 63

Adopted: 2/27/08

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POLICY

2008

6410

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

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.

Education Law Section 2801(1)

Adopted: 2/27/08

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POLICY

2008

6420

Personnel

SUBJECT: 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.

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

Adopted: 2/27/08

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POLICY

2008

6430

Personnel

SUBJECT: EMPLOYEE ACTIVITIES

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

Adopted: 2/27/08

POLICY

2010

6440

Personnel

SUBJECT: **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) Mount Pleasant Association of School Administrators;
- b) Mount Pleasant Teachers', Nurses and Teaching Assistants Association;
- c) Mount Pleasant Custodial Unit of the Civil Service Employees' Association;
- d) Mount Pleasant Clerical Unit of Civil Service Employees' Association
- e) Mount Pleasant Related Employees' Association

Amended: 1/19/11

Adopted: 2/27/08

POLICY

2008

6450

Personnel

SUBJECT: THEFT OF SERVICES OR 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.

Adopted: 2/27/08

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POLICY

2008

6460

Personnel

SUBJECT: 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 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.

Judiciary Law Section 521(b)

Adopted: 2/27/08

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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 and electronic communication systems. This may include access to electronic mail, Local Area Network (LAN) so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, 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. Toward 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.

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 created 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.

(Continued)

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)**

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 recognizes the use of 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** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, 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, blog sites, etc.). The definition of **District approved 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 for personal use on personal time.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology may access all such files and communications 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 Policy #8271 -- The Children's Internet Protection Act: Internet Content Filtering/ Safety Policy

Adopted: 2/27/08
Revised: 12/11/19

SUBJECT: USE OF EMAIL IN THE DISTRICT

Email is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users will use the District's designated email system for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging will not be used to conduct official business.

Employee Acknowledgement

All employees and authorized users will be required to review a copy of the District's policies on staff use of computerized information resources and any regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in his or her use of email.

Classified and Confidential

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for these lists or information should be directed to a principal or supervisor;
- b) Forward emails with confidential, sensitive, or secure information without principal or supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature;
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords will not be transmitted via email correspondence;
- d) Use email to transmit any individual's personal, private, and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit or debit card number and security code, or any access code or password that permits access to financial accounts or protected student records;
- e) Send or forward emails with comments or statements about the District that may negatively impact it; or
- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, employees and authorized users should have no expectation of privacy in this email use. Personal use does not include chain letters, junk mail, and jokes. Employees and authorized users are not permitted to access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without specific permission from the principal or supervisor. The District's email system also cannot be used for personal gain or profit.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing, or intimidating messages via District email or instant messaging should inform their principal or supervisor immediately.

Records Management and Retention

Email will be maintained and archived in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

Training

Employees or authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents, and other staff to avoid issues regarding harassment and/or charges of fraternization;
- b) Confidentiality of emails;
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms; and
- d) No expectation of privacy: email use on District property is not to be construed as private.

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee or authorized user to the employee or authorized user's principal or supervisor who may take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network, and/or other disciplinary action. When applicable, law enforcement agencies may be contacted.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
#3420 -- Anti-Harassment in the School District
#5670 -- Records Management
#6470 -- *Staff Use of Computerized Information Resources*
#8271 -- *The Children's Internet Protection Act Internet
Content Filtering/Safety Policy*

Adoption Date: 12/11/19

POLICY

2008

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Personnel

SUBJECT: 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)

Adopted: 2/27/08

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POLICY

2008

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Personnel

SUBJECT: 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

Adopted: 2/27/08

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Personnel

SUBJECT: 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/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.

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Personnel

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

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.

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

Adopted: 2/27/08

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POLICY

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Personnel

SUBJECT: LEAVES OF ABSENCE

All requested Leaves of Absence shall be in accordance with the contract in effect for the employee requesting said leave. All Leaves of Absence shall be administered by the Superintendent of Schools.

Adopted: 2/27/08

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SUBJECT: 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 job protected leave for a period of up to twelve (12) workweeks in a twelve-month period.

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 twelve-month period immediately preceding the date the FMLA leave is to start. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in service due to fulfillment of military service in the National Guard or Reserves 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 infant;
- b) Adoption of a child and care for the infant;
- c) The placement of a child with the employee from 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) Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty or call to covered active duty status.

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. Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty or call to covered active duty status.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**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 of a covered service member) is entitled to up to twenty-six (26) work weeks of unpaid leave in a single twelve (12) month period to care for a "service 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 resulted from the aggravation of a pre-existing condition in the line of duty on active duty; or
- c) A veteran who has a qualifying injury or illness that was incurred in the line of duty on active duty, including any injury or illness that resulted from the aggravation of a preexisting condition in the line of duty on active duty. The injury or illness may manifest itself during active duty or may develop after the service member becomes a veteran.

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 (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.

A covered service member is either:

- a) A current member of the 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 who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**"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 a member of the Armed Forces or either the National Guard or the Reserves and is on active duty or has been notified of an impending call or order to covered active duty. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

An eligible employee with a family member on covered active duty may take FMLA leave for the following qualifying exigencies:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and related activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Certain parental care activities for the military member's parent who is incapable of self care;
- i) Post-deployment activities; and
- j) Any additional event that the employer and employee agree is a qualifying exigency.

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.

Medical Treatment for Serious Health Conditions

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 first day of incapacity with the second required visit occurring within thirty (30) days of the first day of incapacity.

(Continued)

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

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 and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

Implementation/Benefits/Medical Certification

An employee on FMLA leave is also entitled to have health benefits maintained while on leave on the same basis as coverage would have been provided if the employee had been continuously employed during the entire 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. 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 at least seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

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.

(Continued)

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

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.

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.

(Continued)

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

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 referenced in the Professional Handbook.

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 2611-2654
29 CFR Part 825
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

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

Adopted: 2/27/08
Revised: 12/11/19

POLICY

2008

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Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

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.

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Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

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

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Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

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

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Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

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.

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Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

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 web site <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.

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

Adopted: 2/27/08

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POLICY

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Personnel

SUBJECT: PROFESSIONAL DISTANCE EDUCATION

The Mount Pleasant Central School District Board of Education recognizes that Professional Distance Education is a planned teaching/learning experience that uses a wide spectrum of technologies to reach learners at a distance and is designed to encourage learner interaction and certification of learning. In this regard, the Board of Education also recognizes that instructional delivery does not require the student to be physically present in the same location as the instructor, and that audio, video and computer technologies are common delivery modes of instruction in Distance Education.

To receive credit for professional distance education, the standards set forth below, developed by the Mount Pleasant Central School District, must be adhered to and approval by the Superintendent of Schools must be obtained prior to any course work taking place.

Standards for Professional Distance Education:

- a) Must be offered and run by a post-secondary institution accredited by a regional accrediting organization approved by the U.S. Department of Education.
- b) Course objectives must be clearly articulated and related to teacher's educational needs/goals and teacher must provide evidence of required instructional involvement and accreditation.
- c) Must be reviewed by the Building Principal prior to submission to the Superintendent of Schools for approval.

The Board of Education directs the Superintendent of Schools to implement the standards and establish the regulations for the Professional Distance Learning policy.

This policy shall be reviewed on an annual basis by the Superintendent of Schools with recommendations made to the Board of Education for modification if necessary.

Adopted: 2/27/08