LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

General Provisions
Officers, including Board members, administrators, and Director of Facilities 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 General Municipal Law Sections and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

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

Gifts
No person may directly or indirectly solicit, accept, or receive any gift having a value of $75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of their 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 them in the course of their official duties or use this information to further their personal interests.

Conflicts of Interest
Except as permitted by law, no person may have an interest in any contract with the District when they, 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 their 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

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer, including Board, administrators, and Director of Facilities, 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: their spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which they are a member or employee; a corporation of which they are an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by them.

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

Representing Others in Matters Before the District

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

Disclosure of Interest in Contracts and Resolutions

Any District officer, including Board members, administrators, Director of Facilities 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, including Board of Education members, administrators, and Director of Facilities, first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board of Education. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

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

Continued

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

Future Employment

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

Adoption Date: 03/18/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6111

Personnel

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

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

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

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

8 NYCRR Section 102.4

Adoption Date: 03/18/2024

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The District will promptly respond to reports of employment discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer (CRCO).

Reporting Allegations of Employment Discrimination

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicableDistrict policy or document. Applicable policies or documents may include: Policy # 6121, Policy Against Discrimination and Harassment.

Grievance Process for Complaints of Employment Discrimination

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Continued

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

Various District policies and documents address employment discrimination. These policies and documents may include: Policy # 6121, Policy Against Discrimination and Harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that employment discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Codeof Conduct*.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)
The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person withthe appropriate training and qualifications is appointed to act as the CRCO.

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

8 USC § 1324b/29 USC § 206/42 USC § 1981
Age Discrimination in Employment Act of 1967 (ADEA), 29 USC §
621 et seq.Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Genetic Information Non-Discrimination Act (GINA),
42 USC § 2000ff et seq.National Labor Relations Act (NLRA),
29 USC § 151 et seq. Section 504 of the Rehabilitation Act of 1973,
29 USC § 790 et seq.Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.Title IX of the Education Amendments Act of 1972,
20 USC § 1681 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301 et seq.
28 CFR Part 35/29 CFR Chapter I – National Labor Relations Board29 CFR Chapter XIV –
Equal Employment Opportunity Commission
34 CFR Parts 100, 104, and 106/45 CFR Part 86/Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-aCivil Service Law §§ 75-b and
115/Correction Law § 752/Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215
New York State Human Rights Law, Executive Law § 290 et seq./Military Law §§ 242, 243,
and 318/9 NYCRR § 466 et seq.

NOTE: Refer also to Policies: #3421 - Title IX Policy Against Sexual Harassment and Sex Discrimination
#6121 - Policy Against Discrimination and Harassment

Adoption Date: 03/18/2024

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Overview

The District believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the District is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the District's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

Scope and Application

This Policy applies to all District employees and all personnel in a contractual or other business relationship with the District including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants, or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on District property as it does at District-sponsored events, programs, and activities that take place off District premises.

By adopting and publishing this Policy, it is the intention of the District's Board of Education to:

a) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
b) Inform employees about the complaint and investigation procedures established by the District that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the District;

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c) Clearly advise all supervisory staff, administrators, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and
d) Notify all employees that the District has appointed Civil Rights Compliance Officer who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Civil Rights Compliance Officer designated to receive and investigate complaints are listed below in Compliance Officer (s) section of this Policy. Any change in the designated Civil Rights Compliance Officer shall be distributed in writing to all current employees and shall be posted.

Definitions

"Prohibited Discrimination of Employees" Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a District employee or official or a third party engaged in activities sponsored by the District which is based upon the employee's protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including "Sexual Harassment" as defined below.

"Harassment" Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual's membership in one or more of the protected categories. Harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

"Sexual Harassment" Sexual harassment is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
c) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Harassment can occur on virtual meeting platforms, in messaging apps, and between personal cell phones. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

"Prohibited Behavior and Examples of Harassment, including Sexual Harassment"

Specific forms of behavior the District considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below are examples and should not be interpreted in any way as being all-inclusive.

Verbal: Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome; and unwelcome advances or demands based on someone's protected characteristic. This includes verbal remarks made over virtual platforms and in messaging apps when employees are working remotely.

Nonverbal: Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the District e-mail system or other electronic communication devices (e.g. voice mail) or using the District's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic. This includes the virtual or remote workspace and can include materials visible in the background of one's home during a virtual meeting.

Physical: Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

Other: Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

Any employee who feels discriminated against or harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

The District prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The District will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, District officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, administrator, or one of the Civil Rights Compliance Officer listed in Compliance Officer section of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, administrators and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the District's designated Civil Rights Compliance Officer. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the District's designated Civil Rights Compliance Officer.

Each employee is assured pursuant to Prohibition Against Retaliation and Abuse of the Policy section of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes they have been retaliated against in violation of this policy should report violations to one of the Civil Rights Compliance Officer listed in Compliance Officers section of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Civil Rights Compliance Officer listed in the Civil Rights and Compliance Officer(s) Section.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Complaint Procedure for Employees

1. **Notification Procedure**
   Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact their supervisor or a Civil Rights Compliance Officer listed in Compliance Officer(s) section of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to their supervisor or a Civil Rights Compliance Officer listed in Compliance Officer(s) section of this Policy, or another administrator. Employees should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can occur in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
2. **Making a Complaint**
   Complaints are accepted orally and in writing. All employees are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Civil Rights Compliance Officer, with no questions asked, or from the District's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the District encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, they can obtain assistance from any one of the Civil Rights Compliance Officer or the supervisor to which they complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

   Once the complaining party has completed and dated a complaint, with or without the assistance of one of the District's Civil Rights Compliance Officer or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the District's Civil Rights Compliance Officer.

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Complainants are expected to cooperate with the District's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

If the allegations forming the basis of a complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the District's response, including the investigation procedures, will be governed by Title IX and the District's Title IX Policy.

3. **Supervisory Responsibilities**

Supervisors and administrators have a responsibility to prevent sexual harassment and discrimination. All supervisors and administrators who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to one of the District's Civil Rights Compliance Officer.

In addition to being subject to discipline if they engaged in discriminatory or harassing conduct themselves, supervisors and administrators will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.
Supervisors and administrators will also be subjected to discipline for engaging in any retaliation.

While supervisors and administrators have a responsibility to report harassment and discrimination, supervisors and administrators must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and administrators will ensure complaints are handled with sensitivity and without retaliation.

4. **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. The following are standard methods of bystander intervention that can be used by a witness to discrimination or harassment who wants to intervene:

a. Interrupting harassment by engaging with the individual being harassed;
b. Asking a third party to help intervene in harassment;
c. Making a record of the harassment to benefit a future investigation;
d. Following up with the harassed individual and confirming the behavior was not okay; or

Continued

e. If safe, confronting the harasser(s) and naming the behavior as inappropriate. When confronting harassment, physically assaulting an individual or reciprocating by engaging in harassment, is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide for how to react when witnessing harassment in the workplace. As set forth above, any employee witnessing harassment as a bystander is encouraged to report it; a supervisor or administrator who is a bystander to harassment is required to report it.

Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

Confidentiality and Privacy

The District shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the District may be required by law to contact and cooperate with the appropriate law enforcement authorities. During the pendency of an investigation the District will consider implementation of appropriate mitigating measures in an effort to ensure against retaliation and ensure complaints and investigations are handled with sensitivity toward those participating.

Acknowledgement of Complaint

Upon receipt of an oral or written complaint, the Civil Rights Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Civil Rights Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

INVESTIGATION PROCEDURES

A. Timing of Investigations

The District will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The District will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by District Civil Rights Compliance Officer, District's legal counsel, and/or other impartial persons designated by the District. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. District investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by District employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complaining Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party. The District will remind the individual(s) reporting the complaint of his/her rights pursuant to the Legal Protections and External Remedies section of this Policy.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from District property.

PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours). Examples of retaliation may include, but are not limited to: demotion, termination, denying accommodations, reducing hours, or the assignment of less desirable shifts; publicly releasing personnel files; refusing to provide a reference or providing an unwarranted negative reference; labeling an employee as “difficult” and excluding him/her from projects to avoid “drama;” undermining an individual’s immigration status; or reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if they had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to a Civil Rights Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

RECORD KEEPING

The District shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The District shall also maintain these documents for, at a minimum, three years.

The District's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the District but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

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 harassment based on other protected characteristics set forth in this Policy, and protects 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.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Complaints with DHR may be filed any time **within one year** of the discrimination or harassment. Complaints of sexual harassment may be filed with DHR at any time **within three years** of the alleged sexual 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 harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the 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 or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 (in sex discrimination and sexual harassment cases only) 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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

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 discrimination or 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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.

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 automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Continued

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Contact the Local Police Department

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.

QUESTIONS

Any questions by employees of the District about this Policy or potential harassment or discrimination should be brought to the attention of one of the District's Civil Rights Compliance Officers. The name, address, and telephone numbers of the District's Civil Rights Compliance Officers are listed in Compliance Officer section of this Policy.

CIVIL RIGHTS COMPLIANCE OFFICER

Andrea Tamarazio, Director of Curriculum, Instruction, Technology and Data
atamararizo@lew-port.com, 716-286-7295
District Office, 4061 Creek Road, Youngstown, NY 14174

EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy, as revised, shall be December 18, 2023. The District Superintendent shall ensure that this Policy is adequately disseminated and made available to all employees of the District. This Policy shall be distributed at the time of hire, and at every annual training regarding prevention of sexual harassment. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Civil Rights Compliance Officer as well as the District's Policy Manual that is available December 19, 2023 and through the Board of Education Page of the District website https://www.lew-port.com.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
29 CFR Section 1604.11(a); 34 CFR Subtitle B, Chapter I
Civil Service Law Section 75-b; New York State Human Rights Law, Executive Law Section 290 et seq.
Labor Law Sections 201-g and 740

Note: Upon the effective date of this Policy, as revised, the provisions of this Policy shall supersede and replace the following prior District policies and regulations regarding employee discrimination and harassment: Policy 6121 Sexual Harassment in the Workplace, 3420 Non-Discrimination and Anti-Harassment in the District.

Adoption Date: (revised 12/2025)
(revised 09/27/2024)
12/18/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6130

Personnel

SUBJECT:EVALUATION OF PERSONNEL

All Staff Members

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District will develop an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws and regulations.

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.

Disclosure of APPR/Educator Evaluation Ratings

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public.

Education Law Sections 3012-c and 3012-d
Public Officers Law Article 6
8 NYCRR Subpart 30-3
8 NYCRR Sections 80-1.1 and 100.2(o)

Adoption Date: 03/18/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6140

Personnel

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Preemployment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will 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 preemployment inquiries into the ability of an applicant to perform job related functions.

Employment Entrance Examinations

All entering employees are required to obtain a drug screening 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. The cost of the screening shall be borne by the District.

The Board reserves the right to request a medical examination at any time during employment, at 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.

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

Examinations and Inquiries

Acceptable

The District may provide voluntary medical services, 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 Code of Federal Regulations (CFR) Parts 160 and 164, Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Adoption Date: 04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6150

Personnel

SUBJECT: ALCOHOL, DRUGS, AND OTHER SUBSTANCES (STAFF)

Prohibited Conduct

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

Accordingly, when in the workplace or when the effects of these actions may impair job performance, staff are prohibited from consuming, sharing, selling, using, and/or possessing:

a) Illegal drugs;
b) Cannabis (marijuana) or any other controlled substance in schedules I through V of the Controlled Substances Act;
c) Counterfeit and designer drugs;
d) Drug paraphernalia; or
e) Alcohol.

Exceptions may exist for authorized medical cannabis use.

Additionally, the misuse and/or unprescribed use of prescription and over-the-counter drugs is prohibited in the workplace or when the effects of these actions may impair job performance. Further, all staff are bound by the conduct prohibitions contained in District policy #5640 - Smoking, Tobacco, and Cannabis (Marijuana) Use.

Disciplinary Measures

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment, that may be imposed for engaging in prohibited conduct. Penalties and consequences will be in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

- Assistant Superintendent for Administrative Services
- School Counselors
- School Social Workers

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a); 41 USC § 8101 et seq.; Cannabis Law § 127; Civil Service Law § 75; Education Law §§ 409, 2801, 3020-a, and 3038; Labor Law § 201-d; Penal Law § 222.10; Public Health Law §§ 1399-n and 1399-o

NOTE: Refer also to Policies #3410 - Code of Conduct
#5640 - Smoking, Tobacco, and Cannabis (Marijuana) Use
#7320 - Alcohol, Tobacco, Drugs, and Other Substances (Students)
District Code of Conduct

Adoption Date: 04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6151

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board 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) Sections 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 District.

The Board 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) Sections 1308.11-1308.15 34 Code of Federal Regulations (CFR) Part 85

Adoption Date: 04/29/2024

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The District will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

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

Attendance at professional learning programs must be directly related to the duties and responsibilities of the staff member. Consequently, staff members are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Staff members are also encouraged to continue their formal education, as well as to attend work-related workshops, conferences, and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, s well as all necessary tuition fees incurred in connection with attendance at conferences, will be in accordance with District documents which address conference attendance and expense reimbursement.

Professional Learning Plans

By September 1 of each school year, the District will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations.

The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.
b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the District serves.
c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the District.

The professional learning plan will be developed through collaboration with a professional learning team. The Board will appoint the members of this team in accordance with the Commissioner's regulations.

Continued

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

Mentoring Program

The District's professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law §§ 1604, 1608, 1716, 1950, 2118, and 2601-a
General Municipal Law §§ 77-b and 77-c
8 NYCRR §100.2(dd)

NOTE: Refer also to Policies #6161 - Conference/Travel Expense Reimbursement
#6217 - Registration and Professional Learning

Adoption Date: 04/29/2024

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

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

All conference travel must have a completed Travel Conference Request Form (6161F) on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

General guidelines for expenses to be reimbursed by the District are outlined below and should be adhered to closely. Requests for further interpretation should be addressed to the Business Office.

Prior Approval Required

Travel or conference attendance without prior authorization will be at the participant's own expense. The district will not reimburse for conference expenses not previously approved.

Registration Fees

Registration fees are reimbursable. An original receipt must accompany the request for reimbursement.

Lodging

Costs for hotel and motel accommodations shall be reimbursable, excluding tax. An original receipt must accompany the request for reimbursement.

Meals

Receipts for reimbursement of the costs of meals must be original receipts, itemized – showing what was purchased. The District will not reimburse for any receipt which includes the purchase of alcoholic beverages. Gratuity for meals shall not exceed 18% of the total bill or the percentage required by the restaurant based on the number of diners.

Travel Expenses

When a personally owned vehicle is used for travel for a conference, the mileage payment shall be made at the rate currently approved by the Board at its annual reorganization meeting. When a public conveyance is utilized, the cost is to be computed at a "coach fair rate" and such cost is to be enumerated in the total conference request, and if approved, an invoice must accompany any requests for reimbursement. Toll fees and parking fees are allowable reimbursements upon presentation of an original receipt. EZ Pass statements may be substituted for toll receipts with the appropriate charges highlighted. Travel shall be by the most direct route possible. Any person traveling by an indirect route shall assume any extra expenses incurred.

Continued

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Credit Card Charges

If an expense is charged on a credit card, the receipt for that charge must indicate that it was paid by credit card. If the receipt does not indicate that, then a copy of your credit card bill (with item highlighted and other personal items blacked out) must be submitted for reimbursement.

Charges put on someone else's credit card will not be reimbursed. For example, if three staff members dine together during a conference, and the restaurant bill is charged on one individual's account – *that* individual will be reimbursed for the charge. In other words, the District cannot reimburse *you* for charges put on *someone else's* card. Auditing procedures require this. Same applies to hotel bills and registration fees. It is strongly recommended that each individual pay their own expenses – hotel stay, registration fees, meals – and submit their own original receipts for reimbursement with their claim form.

Tax Exempt Status

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when such costs constitute an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Courses taken for salary credit cannot be reimbursed.

All reimbursable expenses will be verified in accordance with standard auditing procedures.

All receipts must be originals. Photocopies will not be accepted.

General Municipal Law § 77-b(2)

NOTE: Refer also to Policy #5323 - Reimbursement for Meals/Refreshments

Adoption Date: 04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL

2024 6170

Personnel

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

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

The District will use the Statewide Vendor Management System (SVMS) as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as TEACH.

Safety of Students

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

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

Correction Law Article 23-A
Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law § 296(16)
Social Services Law Article 5, Title 9-B
8 NYCRR §80-1.11 and Part 87

Adoption Date: 04/29/2024

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board requires that all 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, e-mail, 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 they have 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 Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. 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.

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.

Continued

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to their 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 Retaliation

The Board 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.

Knowingly Makes False Accusations

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

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers 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.

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 United States Code (USC) Section 1681 et seq. Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: 04/29/2024

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

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

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

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 employee to serve as its Workplace Violence Prevention Coordinator:

Jodee Riordan
Personnel Specialist
Human Resources
716-286-7242, jriordan@lew-port.com

Continued

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

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 notify law enforcement immediately 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

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 Labor

At 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

Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVVP)

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

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

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 Code of Conduct
#3411 - Prohibition of Weapons on School Grounds
#3412 - Threats of Violence in School
#3420 - Non-Discrimination and Anti-Harassment in the District
#3421 - Title IX Policy Against Sexual Harassment and Sex Discrimination
#5681 - School Safety Plans
#5684 - Use of Surveillance Cameras in the District
#5690 - Exposure Control Program
#6121 – Policy Against Discrimination and Harassment
#7350 - Timeout and Physical Restraint
#7360 - Weapons in School and the Gun-Free Schools Act

Adoption Date: 03/18/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board 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. While the Board may consider and/or seek the guidance or recommendation of the Superintendent, the Board cannot delegate its responsibility for such decisions to the Superintendent.

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

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

Adoption Date: 05/28/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6211

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

A probationary or permanent appointment of a teacher who is related by blood or marriage to any member of the Board shall be subject to the consent of two-thirds of the members of the Board 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, and the hiring of nonprofessional staff, as well.

Education Law Section 3016
General Municipal Law Sections 800-809

Adoption Date: 05/28/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6212

Personnel

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

Parent Notification

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

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

20 United States Code (USC) Section 7801(23) 34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56
Education Law Sections 210, 305, 3001, 3001-a, 3004, 3006 and 3008 8 New York Code of Rules and Regulations (NYCRR) Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 80.4, 80.5, 100.2(dd) and 100.2(o)

Adoption Date: 05/28/2024

SUBJECT: INCIDENTAL TEACHING

The Board will comply with all applicable laws and regulations regarding incidental teaching. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different incidental teaching rules may apply in certain years.

Generally, the Superintendent may assign a teacher to teach a subject not covered by that teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the District Superintendent is obtained.

Not later than 20 business days after this assignment, the Superintendent must submit for approval an application, in a form satisfactory to the District Superintendent, 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 the 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 that 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 must demonstrate to the satisfaction of the District Superintendent 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 District Superintendent will issue a determination within 20 business days of receipt of the District's application.

Continued

SUBJECT: INCIDENTAL TEACHING

If the application is disapproved, the Superintendent, within seven business days of receipt of the notice of disapproval, will terminate the incidental teaching assignment. If the application is approved, this approval will be deemed to have commenced on the date of the incidental teaching assignment and will terminate on the last day of the school year for which it is granted.

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's regulations, for any subsequent school year.

To obtain a renewal, the Superintendent, as soon as possible after learning that the continued assignment of an incidental teacher is necessary, must submit an application which, in addition to including the information noted above for the initial approval of an incidental teaching assignment, must provide assurances by the Superintendent that:

a) The teacher who previously taught the course on an incidental basis has been offered the opportunity to continue to teach the course or has not been offered an opportunity because the Superintendent has evidence that the course was not taught in an acceptable manner;

b) The teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three semester hours of credit or a satisfactory equivalent leading to certification in the subject area of the incidental assignment; and

c) The teacher assigned to teach the course will be reimbursed by the District for the tuition cost of any portion of the three semester hours of credit or the equivalent required that is taken by the teacher at the request of the District, and satisfactory evidence that the teacher has been reimbursed in the event the teacher who is assigned has previously taught the course on an incidental basis, under a previous renewed approval.

8 NYCRR Section 80-5.3

Adoption Date: 03/18/2024

SUBJECT: PROBATION AND TENURE

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

Probation

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

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

A staff member's appointment may be discontinued at any time during their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before their probationary period expires.

Tenure

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if they successfully appeal the ineffective rating.

Continued

SUBJECT: PROBATION AND TENURE

The Board may then by a majority vote appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

Resolutions Making Appointments

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

The name of the appointee;

b) The tenure area or areas in which the professional will devote a substantial portion of their time;

c) The date probationary service or service on tenure commences in each area;

d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:

   1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and

   2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-d, 3014, and 3031
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6216 - Professional Staff: Separation

Adoption Date: 05/28/2024

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

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

Ineffective Personnel

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

Allegations of Abuse

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

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair their ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

Continued

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

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

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

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

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

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

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

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

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012, 3020-a, and 3020-b Penal Law § 195.20
8 NYCRR Subpart 82-3Correction Law Article 6-C

Adoption Date: 05/28/2024

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during their 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 their 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

Adoption Date: 05/28/2024

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING

Registration

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

Continued

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING

The District will describe opportunities for teachers and administrators to engage in CTLE in its professional learning plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

Language Acquisition CTLE and Exemption

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

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15% of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

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

CTLE Adjustments

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

Continued

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law §§ 3006, 3006-a, and 3012-d
8 NYCRR Subpart 80-6
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

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

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

Adoption Date: 05/28/2024

2024 6220

Personnel

SUBJECT: TEMPORARY PERSONNEL

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

Student Teachers

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

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

Substitute Teachers

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

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

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

a) Substitutes with valid NYS teaching certificates or certificates of qualification. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by

a school district in any given school year, the substitute teacher must be employed in the area for which they are certified.

b) Substitutes without a valid NYS certificate, but who are completing collegiate study toward NYS certification at the rate of not less than six semester hours per year. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are seeking certification.

c) Substitutes without a NYS valid certificate and who are not working towards NYS certification. A substitute teacher in this category may be employed in any capacity, but is limited to 40 days in one school district in any school year.

Education Law § 3023
8 NYCRR §§ 80-1.5 and 80-5.4

Adoption Date: 05/28/2024

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL

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

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

The duties and responsibilities to be assumed by Supplemental School Personnel shall be outlined by the Superintendent/Designee.

Persons employed as Supplemental School Personnel shall be responsible to the building principal and/or their designated representatives.

Civil Service Law Section 63

Adoption Date: 05/28/2024

SUBJECT: ACCEPTABLE USE POLICY (PERSONNEL)

The District provides access to digital information systems through the District's computer network. This policy establishes acceptable use expectations, safeguards district information resources, and assists in compliance with applicable laws, regulations, and district procedures.

Definitions

For the purposes of this policy, the following definitions apply:

a) "Digital information systems" means:

1. All computer hardware, devices, and systems owned or leased by the District, including but not limited to:

   (a) Computers of any size and form factor, including smartphones, tablets, and interactive whiteboards;

   (b) Networks;

   (c) Internet access;

   (d) Network servers;

   (e) Routers, cables, and switches;

   (f) Video conferencing equipment; and

   (g) Internet of things devices (devices that collect and share data, such as security systems or wearable devices); and

2. Software that is owned, leased, or licensed by the District, or that the District has the use of through a cooperative services agreement (CoSer), and that is used to create, modify, store, or transmit information in a digitized form.

b) "Personnel" means all district employees, substitutes, contractors, consultants, student teachers, volunteers, and any other individuals granted access to district digital information systems.

Overview

Prior to accessing these digital information systems, all personnel must read, sign, and return the applicable acceptable use form(s). The District will provide reasonable oversight for their digital information systems, however, responsibility for their use ultimately lies with the individual user.

Continued

SUBJECT: ACCEPTABLE USE POLICY (PERSONNEL)

Except for any privilege or confidentiality recognized by law, district personnel have no legitimate expectation of privacy during any use of the District's digital information systems or in any data on those systems. Any use may be monitored, recorded, or accessed in any manner by authorized personnel without additional prior notice to personnel. Periodic monitoring may be conducted of digital information systems used, including, but not limited to, all computer files and all forms of electronic communication.

The District reserves the right to impose restrictions on the use of particular digital resources. For example, the District may block access to websites, services, or applications not serving legitimate business or educational purposes or may restrict users' ability to attach personal devices to the District's digital information systems or devices.

Acceptable Use

All uses of district digital information systems by district personnel must comply with district policies, standards, procedures, and regulations, as well as any applicable federal and state laws and regulations, including but not limited to copyright laws and licensing agreements.

Acceptable uses of the district digital information systems include, but are not limited to, the following:

a) Protecting confidential information and student data from unauthorized use or disclosure;

b) Using digital information systems to support student learning and district business operations;

c) Maintaining professional conduct in online communications and behavior as in all other aspects of work;

d) Reporting suspected cybersecurity incidents to appropriate district information technology personnel immediately; and

e) Observing authorized levels of access and utilizing only approved digital information system devices and services.

Unacceptable Use

The following list is not intended to be exhaustive, but provides a framework for determining activities that constitute unacceptable use of district digital information systems.

Continued

SUBJECT: ACCEPTABLE USE POLICY (PERSONNEL)

Unacceptable uses of the district digital information systems include, but are not limited to, the following:

a) Distributing, transmitting, posting, or storing any electronic communications, materials, or correspondence that is threatening, obscene, harassing, pornographic, offensive, defamatory, discriminatory, inflammatory, illegal, or intentionally false or inaccurate;

b) Engaging in unauthorized use or disclosure of personal, private, sensitive, and/or confidential information, including entering this information into generative artificial intelligence (AI) or other AI systems;

c) Connecting unapproved devices to the district digital information systems;

d) Installing, downloading, or running software that has not been approved in accordance with district policies;

e) Using district digital information systems for commercial or personal purposes, including solicitation or advertisement, in support of religious, political, not-for-profit organizations, for-profit business activities, or in support of other outside employment or business activity;

f) Providing unauthorized third parties access to the district digital information systems;

g) Tampering with, disengaging, or otherwise circumventing district-implemented IT security;

h) Plagiarizing or engaging in copyright infringement; and

i) Using district digital information systems to access personal social media platforms, email, or other personal account-based platforms.

j) Engaging in any personal use of the district digital information systems.

Continued

SUBJECT: ACCEPTABLE USE POLICY (PERSONNEL)

Individual Accountability

Individual accountability is required when accessing all district digital information systems. Users must comply with district procedures and any other applicable district documents for data networks and security access which may include password protocols, use of multi-factor authentication, and other security measures as defined by the District. All users must treat their credentials as confidential information which must not be disclosed or shared. All users are responsible for protecting against unauthorized activities performed under their user ID, devices, or any other district system.

Compliance

Any violation of this policy may subject the user to disciplinary action, civil penalties, and/or criminal prosecution. The District will review alleged violations of this policy on a case-by-case basis and pursue recourse, as appropriate.

NOTE: Refer also to Policies #5672 - Information Security Breach and Notification
#5676 - Privacy and Security for Student Data and Teacher and Principal Data
#5850 - Data Networks and Security Access
#5851 - Cybersecurity Incident Response
#6411 - Use of Email in the District
#6412 - Social Media Use
#8271 - Internet Safety/Internet Content Filtering

Adoption Date: 09/28/2026
06/17/2024

SUBJECT: USE OF EMAIL IN THE DISTRICT

Overview

Email is a valuable tool that allows for quick and efficient communication. However, careless, unacceptable, or illegal use of email may place the District and members of its community at risk. Use of email in the District must be consistent with the District's educational goals and comply with federal and state laws and regulations, as well as all applicable District policies, regulations, procedures, collective bargaining agreements, and other related documents such as the District's *Code of Conduct*. This includes, but is not limited to, this policy and the District's policies on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and record management.

District-related emails are most secure and best managed when District email services are used. Accordingly, the District's email services should be used for all district-related emails, including emails in which students or student issues are involved. Personal email accounts should not be used to conduct District-related business. Further, District email accounts should not be used as any individual's primary personal email address.

Scope and Application of Policy

This policy applies to all District employees and any individual assigned a District email address to conduct District-related business (authorized user).

Sending Emails with Personal, Private, and Sensitive Information

Personal, private, and sensitive information (PPSI) is any information to which unauthorized access, disclosure, modification, destruction, use, or disruption of access or use could have or cause a severe impact on critical District functions, employees, students, third parties, or other individuals or entities. For purposes of this policy, PPSI includes, but is not limited to:

a) District assessment data;

b) Protected student records;

c) Information subject to laws protecting personal information such as Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Act (IDEA), Health Insurance Portability and Accountability Act (HIPAA);

d) Social security numbers;

e) Driver's license or non-driver identification card numbers;

f) Credit or debit card numbers;

g) Account numbers;

Continued

SUBJECT: USE OF EMAIL IN THE DISTRICT

h) Passwords; and

i) Access codes.

The failure to follow proper security protocols when emailing PPSI increases the risk that unauthorized individuals could access and misuse PPSI.

District employees and authorized users may not send or forward emails that include:

a) PPSI without building principal or supervisor authorization. Additional precautions, such as encrypting the email in a District-approved method, should be taken when sending any emails containing PPSI.

b) Lists or information about District employees without building principal or supervisor authorization.

c) Attachments with file names that may disclose PPSI. Files containing PPSI should be password protected and encrypted. File protection passwords should not be transmitted via email. District employees and authorized users will not use cloud-based storage services (such as Google Drive, Dropbox and/or OneDrive) to transmit files with PPSI without previous District approval or consulting with a building principal or supervisor. Sharing over the cloud is permitted when restricting access to authorized viewers only.

d) Comments or statements about the District that may negatively impact it.

Any questions regarding the District's protocols for sending emails with PPSI or what information may or may not be emailed should be directed to a supervisor.

Receiving Suspicious Emails

Social engineering attacks are prevalent in email. In a social engineering attack, an attacker uses human interaction (social skills) to obtain confidential or sensitive information.

Phishing attacks are a form of social engineering. Phishing attacks use fake email messages pretending to represent a legitimate person or entity to request information such as names, passwords, and account numbers. They may also deceive an individual into opening a malicious webpage or downloading a file attachment that leads to malware being installed.

Malware is malicious software that is designed to harm computer systems. Malware may be inadvertently installed after an individual opens an email attachment, downloads content from the Internet, or visits an infected website.

Continued

SUBJECT: USE OF EMAIL IN THE DISTRICT

Before responding to any emails, clicking on any hyperlinks, or opening any attachments, District employees and authorized users should review emails for indicators of suspicious activity. These indicators include, but are not limited to:

a) Attachments that were not expected or make no sense in relation to the email message;

b) When the recipient hovers the mouse over a hyperlink that is displayed in the email, the link to the address is for a different website;

c) Hyperlinks with misspellings of known websites;

d) The sender is not someone with whom the recipient ordinarily communicates;

e) The sender's email address is from a suspicious domain;

f) Emails that are unexpected, unusual, or have bad grammar or spelling errors; and

g) Emails asking the recipient to click on a link or open an attachment to avoid a negative consequence or to gain something of value.

District employees and authorized users should forward suspicious emails to the District's information technology (IT) staff.

No Expectation of Privacy

District employees and authorized users should have no expectation of privacy for any email messages they create, receive, or maintain on their District email account. The District has the right to monitor, review, and audit each District employee's and authorized user's District email account.

Accessing District Email Services on Personal Devices

In the event a District employee or authorized user loses a personal device that has been used to access the District's email service, that District employee or authorized user should notify the Districts' IT staff so that measures can be taken to secure the email account.

Personal Use

The District's email services are intended for District-related business only. Incidental or limited personal use of the District's email services is allowed so long as the use does not interfere with job performance. However, District employees and authorized users should have no expectation of privacy in this email use.

Continued

SUBJECT: USE OF EMAIL IN THE DISTRICT

The District's email services should not be used to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without authorization from a building principal or supervisor.

It is prohibited to use the District's email services for:

a) Illegal purposes;

b) Transmitting threatening, obscene, discriminatory, or harassing materials or messages;

c) Personal gain or profit;

d) Promoting religious or political causes; and/or

e) Sending spam, chain letters, or any other type of unauthorized widespread distribution of unsolicited mail.

Personal email accounts or services (Yahoo, Gmail, etc.) should not be accessed via the District Computer System (DCS) without authorization from a building principal or supervisor.

Confidentiality Notice

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

Training

District employees and authorized users will receive ongoing training related to the use of email in the District. This training may cover topics such as:

a) What is expected of users, including the appropriate use of email with students, parents, and other individuals to avoid issues regarding harassment and/or charges of fraternization;
b) How to identify suspicious emails, as well as what to do after receipt of a suspicious email;
c) Emailing PPSI;
d) How to reduce risk to the District;
e) Cost of policy non-compliance;
f) Permanence of email, including how email is never truly deleted, as the data can reside in many different places and in many different forms; and
g) How users should have no expectation of privacy when using the DCS or any District email service.

Continued

SUBJECT: USE OF EMAIL IN THE DISTRICT

Notification

The District will provide annual notification of this policy and any corresponding regulations to all District employees and authorized users. The District will then require that all employees and authorized users acknowledge that they have read, understood, and will comply with the policy and regulations.

Records Management and Retention

The same laws and business records requirements apply to email as to other forms of written communication.

Email will be maintained and archived in accordance with Retention and Disposition Schedule for New York Local Government Records (LGS-1) and as outlined in any records management policies, regulations, and/or procedures.

Additionally, emails may be subject to disclosure under the Freedom of Information Law (FOIL), a court action, an audit, or as otherwise required or permitted by law or regulation.

Disciplinary Measures

Failure to comply with this policy and any corresponding regulations or procedures may subject a District employee and authorized user to discipline such as loss of email use, loss of access to the DCS, and/or other disciplinary action up to and including termination. When applicable, law enforcement agencies may be contacted.

The District's IT staff may report inappropriate use of email by a District employee or authorized user to the District employee or authorized user's building principal or supervisor who may take appropriate action which may include disciplinary measures.

NOTE: Refer also to Policies #3320 - Confidentiality of Computerized Information
#3420 - Non-Discrimination and Anti-Harassment in the District
#5670 - Records Management
#6410 - Staff Acceptable Use Policy
#8271 - Internet Safety/Internet Content Filtering

Adoption Date: 06/17/2024

SUBJECT: SOCIAL MEDIA USE

The District recognizes that social media tools are a primary source of news and information to the public. This policy encourages responsible use of social media by personnel as part of their official duties or when accessing district digital information systems.

Definitions

For the purposes of this policy, the following definitions apply:

a) "Digital Information Systems" means:

1. All computer hardware, devices, and systems owned or leased by the District, including but not limited to:

   (a) Computers of any size and form factor, including smartphones, tablets, and interactive whiteboards;

   (b) Networks;

   (c) Internet access;

   (d) Network servers;

   (e) Routers, cables, and switches;

   (f) Video conferencing equipment; and

   (g) Internet of things devices (devices that collect and share data, such as security systems or wearable devices); and

2. Software that is owned, leased, or licensed by the District, or that the District has the use of through a cooperative services agreement (CoSer), and that is used to create, modify, store, or transmit information in a digitized form.

b) "Social media" means any Internet site or resource where the user helps determine content. A social media platform allows its users to interact with the content creator(s) and with each other as contributors to the platform's content. These tools are intended to facilitate interactive information sharing, user-centered design, and collaboration.

Continued

SUBJECT: SOCIAL MEDIA USE

District Social Media Use

The District uses social media to communicate, inform, and engage the public and promote transparency. The District may also use internal social media to increase collaboration, participation, operational efficiencies, and learning opportunities.

The District will designate an employee to oversee official school and district social media platforms. This employee will be responsible for:

a) Approving social media accounts for district, school, and classroom use;

b) Securely maintaining the website location and access rights associated with each platform;

c) Complying with any applicable records retention and archival requirements according to applicable laws and regulations; and

d) Acting as or assigning authorized personnel to maintain each individual social media account.

Social Media Content Creation

Only authorized personnel acting in their official capacity are permitted to communicate on public district social media platforms on behalf of the District. Authorized personnel should follow established district content approval processes and all applicable district policies, laws, and regulations.

Disclaimers

The District will post, on its website, a disclaimer regarding its use of social media. The disclaimer will outline the expectations of those using each specific social media technology utilized by the District.

This disclaimer should include, at a minimum, information about the terms of service of third-party social media platforms, relevant copyright information, and a statement that user comments made on the platforms do not reflect the views or opinions of the District.

Personal Social Media Use

District personnel may share personal views or opinions and express themselves as private citizens on social media, but such personal use must make clear that any personal views or opinions expressed are not an official act of the District. In addition, district personnel must not share any confidential, private, or sensitive information pertaining to their district, school, students, other personnel, or job activities.

Continued

SUBJECT: SOCIAL MEDIA USE

Social media users should be aware that information posted on social media platforms reflects on the individual and may also reflect on their professional life. Consequently, users should use discretion when posting information on these platforms. Once information is posted on a social media platform, it can be captured and used in ways not originally intended by the original poster.

NOTE: Refer also to Policies #3310 - Public Access to Records
#5676 - Privacy and Security for Student Data and Teacher and Principal Data
#6410 - Acceptable Use Policy (Personnel)
#7241 - Student Directory Information

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 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. 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 need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

b) When the employee grants permission.

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

Release of Information Concerning Former Employees

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

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

Adoption Date: 06/17/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6430

Personnel

SUBJECT: EMPLOYEE ACTIVITIES

Political Activities

The Board 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 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/designee.

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

Adoption Date: 06/17/2024

SUBJECT: WHISTLEBLOWER POLICY

The Board expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when District officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

Education Law §3028-d protects District employees from retaliatory action for making a report, in good faith, to a District official, the State Comptroller's office, the Commissioner of Education or to law enforcement authorities whenever the employee has reasonable cause to suspect that a fiscal practice or action of a District employee or officer violates any local, state, federal law or rule and regulation relating to the financial practices of the District. District employees are also entitled to immunity from any civil liability that may arise from the making of such report.

Civil Service Law §75-b prohibits the dismissal or discipline of, or other adverse personnel action against, a District employee because the employee has disclosed information to a governmental body regarding (i) a violation of a law, rule, or regulation which creates a substantial and specific danger to the public health or safety, or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action, provided, the employee has first made a good faith effort to report the information to the District and allowed the District a reasonable period of time to take appropriate action.

Reporting Responsibility

Board Policy #6110, entitled Code of Ethics for all Board Members and District Personnel (the "Code"), requires Board members and all employees of the District to observe the rules of conduct set forth in the Code in addition to prohibitions contained in any general or special law relating to ethical conduct of Board members and District employees. In addition to reporting violations pursuant to the above cited statutes, it is the responsibility of all employees and members of the Board to comply with the Code and to report violations or suspected violations in accordance with this Policy.

No Retaliation

A District employee shall not suffer harassment, retaliation or adverse employment consequences for making such a report in good faith. Any District officer or employee who retaliates against someone who has reported a violation in good faith is subject to appropriate discipline up to and including termination of employment. This Policy is intended to encourage and enable employees and others to raise serious concerns within the District prior to seeking resolution outside the District.

Continued

SUBJECT: WHISTLEBLOWER POLICY

Reporting Violations

The District shall have an open door policy for employees to share their questions, concerns, suggestions or complaints with a District officer or employee who can address them properly. In most cases, an employee's supervisor will be in the best position to address an area of concern. However, if an employee is not comfortable speaking with their supervisor or is not satisfied with the supervisor's response, the employee is encouraged to speak with the District's Assistant Superintendent for Administrative Services or any administrator who the employee is comfortable in approaching.

An administrator who receives a report of a suspected violation pursuant to this policy shall forward such report to the Superintendent without delay. In the event the report relates to actions of the Superintendent, the receiving administrator shall refer the same to the President of the Board of Education for further action.

The Superintendent (or the Board President, as the case may be) shall take immediate steps to conduct an investigation and implement appropriate corrective action if warranted. The Superintendent (or the Board President, as the case may be) shall also acknowledge the report in writing, maintain a written record of the report, insure that appropriate governmental agencies or law enforcement authorities are notified, and keep the Board informed of significant developments as and when appropriate.

Accounting and Auditing Matters

The District's Audit Committee shall address all reported concerns or complaints regarding the District's accounting practices, internal controls or auditing. The Superintendent shall notify the Audit Committee of any such complaint and shall work with the committee until the matter is resolved.

Confidentiality

The Superintendent shall make all reasonable attempts to keep the report and the identity of the employee making such report confidential, provided that doing so does not interfere with the conduct of the investigation, the rights of the person who is the subject of the report, or the implementation of corrective action.

Acting in Good Faith

Anyone who files a complaint alleging a violation or suspected violation of the Code or any statute, rule, regulation or District policy must be acting in good faith and have reasonable grounds for believing that the information disclosed is a violation of the Code, statute, rule, regulation or District policy. The making of allegations that are not ultimately substantiated and which prove to have been made maliciously or with the knowledge that they were false will be viewed as a serious disciplinary offense.

Distribution of the Policy

This policy shall be published in employee handbooks, posted on the District website and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

Education Law §3028-d Civil Service Law §75-b

Adoption Date: 06/17/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 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 which can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adoption Date: 06/17/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6530

Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

In collaboration with District collective bargaining units, the Board will provide an Employee Assistance Program (EAP). The major purpose of the program is to assist employees in obtaining help to resolve personal problems in an effective and confidential manner. Staff members will be informed of such services and shall be encouraged to seek such help either voluntarily or in lieu of disciplinary action.

The Board will support the organization and conduct of programs and activities aimed at maintaining and improving the general health and welfare of members of the staff.

NOTE: Refer also to Policy #6150 - Alcohol, Drugs and Other Substances (School Personnel)
#6151 - Drug-Free Workplace

Adoption Date: 09/23/2024

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board recognizes its statutory obligation to defend and/or indemnify District employees (and in certain circumstances, Board members and volunteers) pursuant to the provisions of Education Law Sections 3023, 3028 and 3811. 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 and/or indemnify unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon them. The statute mandates only written notice of the claim to the Board; 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 them.

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 their duties within the scope of their employment or authorized volunteer duties and/or under the direction of the Board.

Public Officers Law Section 18

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

Continued

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

The term "employees" shall include members of the Board; 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, their estate or judicially appointed representative.

Pursuant to the provisions of Public Officers Law Section 18, 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 their 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 their 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.

The duty to defend and/or indemnify and save harmless, in accordance with Public Officers Law Section 18, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for their defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after they have served with such document. Pursuant to Public Officers Law 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 District.

Paul D. Coverdell 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

Adoption Date: 09/23/2024

SUBJECT: LEAVES OF ABSENCE

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

Leaves of Absence, Contractual, Et Al.

a) Employees who are members of a negotiating unit:

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

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

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

c) Employees who are under contract to the District:

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

Leaves of Absence, Unpaid, Not Covered Above

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

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

2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

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

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

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

Continued

SUBJECT: LEAVES OF ABSENCE

Other Leaves of Absence

Other leaves of absence include, but are not limited to, the following:

a) Emergency Service Volunteer Leave

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

b) Screenings for Cancer

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

c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or

2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

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

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

Continued

SUBJECT: LEAVES OF ABSENCE

d) Bone Marrow Donation

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

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

e) Breastfeeding/Lactation

The District will provide paid break time for thirty minutes, and permit the use of existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

Continued

SUBJECT: LEAVES OF ABSENCE

1. Inform employees of their rights pursuant to law;

2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;

3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an paid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or subpoenaed to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

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

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

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

Continued

SUBJECT: LEAVES OF ABSENCE

i) Jury Duty

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

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section 218d
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333
Civil Service Law Sections 71-73 and 159-b
Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b
Election Law Section 3-110
Executive Law Section 296(22)
General Municipal Law Sections 92, 92-c, and 92-d
Judiciary Law Sections 519 and 521
Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c
Military Law Sections 242 and 243
Penal Law Section 215.14

Adoption Date: 09/23/2024

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

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

The District uses a “rolling” twelve month period measured backward from the date of any FMLA usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

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

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

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

a) The birth of a child and care for the child;
b) Adoption of a child and care for the child;
c) The placement of a child with the employee from foster care;
d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) <u>and</u> has a "serious health condition" as defined by the FMLA; and/or
f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing their job.

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

also defined as any period of incapacity related to pregnancy or for prenatal care.

Continued

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

Military Family Leave Entitlements

Military Caregiver Leave

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

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

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.

The term "military member" means:

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

"Qualifying Exigency" Leave/Call to Active Duty

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

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

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

a) Short-notice deployment;
b) Military events and related activities;
c) Childcare and school activities;
d) Parental care leave;
e) Financial and legal arrangements;
f) Counseling;
g) Rest and recuperation (for up to fifteen [15] calendar days);
h) Post-deployment activities; and
i) Any additional activities where the employer and employee agree to the leave.

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

Upon an employer's request, an employee must provide a copy of the military member's active duty order to support the employee's request for qualifying exigency leave. In addition, the employer may request the following information:

1) A statement or description of appropriate facts regarding the exigency that is needed;
2) The approximate date on which the exigency commenced or will commence;
3) An estimate of the frequency and duration of the exigency if leave is needed on a reduced scheduled basis or intermittently;
4) If the exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting;
5) Additionally, the certification for qualifying exigency leave for Rest and Recuperation Leave must include a copy of the military member's Rest and Recuperation Leave Orders, or other documentation by the military setting forth the dates of the military member's leave.

Continued

SUBJECT: FAMILY AND MEDICAL LEAVE

ACT Substitution of Paid Leave

At the employee's or District's option, certain kinds of paid leave may be substituted for unpaid leave. The District may require the employee to substitute any accrued paid vacation, personal or family leave if the employee is taking leave to care for another due to birth or serious health condition. The District may also require the employee to substitute any of their accrued paid vacation, personal, or medical/sick leave if they seek leave for their own serious health condition. The District may substitute paid vacation, personal, family and the employee's own medical/sick leave if they seek leave under the Military Caregiver Leave.

Implementation/Benefits/Medical Certification

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay their share during the leave period. In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

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

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."

<u>Intermittent Leave Taken by Instructional Employees</u>

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

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 begins 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 at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the instructional employee begins leave during the five (5) week period prior to the end of the term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member, the District may require that the employee remain out for the rest of the term if the leave will last more than two (2) weeks and the employee would return to work during the two(2)-week period before 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 identified in the preceding paragraph, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

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

Continued

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

FMLA Notice

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

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law
110-181 10 USC 101(a) (13) 29 USC 1630.1 and 2611-2654 29
CFR Part 825 and Part 1630 42 USC 12102
Health Insurance Portability and Accountability Act of 1996
(HIPAA), Public Law 104-191 45 CFR Parts 160 and 164

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

Adoption Date: 09/23/2024

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 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 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 their 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 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 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 their civilian pay. The 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 their employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

When the employee is performing military service, they are 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:

Continued

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

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 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 they 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 they would have had if the employee had been present and continuously engaged in the performance of their 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.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount they 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 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.

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

In accordance with law, an employee means a person who performs services for hire for the District for an average of 20 or more hours per week, and includes all individuals employed at any District site having 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 they 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 they 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 their return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to their position after the termination of military duty shall be entitled to the rate of compensation they would have received had the employee remained in their 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.

Continued

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

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 they may have been appointed, or to which they 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 they may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

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

Notice of Rights and Duties

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

The U.S. Department of Labor has developed and made available on its 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

Adoption Date: 09/23/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6570

Personnel

SUBJECT: REMOTE WORKING

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

Remote Working Arrangements

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent/designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

Extraordinary Circumstances

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

Continuity of Work

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

Compliance with District Policies and Procedures

District employees who are working remotely are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would if they were working on District premises. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

Adoption Date: 09/23/2024