

## PERSONNEL POLICY GOALS

The Board of Trustees recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

It shall be the duty and responsibility of all personnel to render the quality of service that promotes the general welfare and education of the students in the school system. In this endeavor all personnel are considered to be important. Each plays a different role in the crucial matter of education. Each makes a different contribution to the total process, but each is a keystone.

The Board's specific personnel goals are:

- to develop those strategies and procedures for personnel recruitment, screening and selection which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the District's learning program;
- to provide staff compensation and benefits programs sufficient to attract and retain qualified employees;
- to provide an in-service training program for all employees which fosters improved performance and increased rates of staff retention and promotion; to conduct an employee appraisal program that will contribute to the continuous improvement of staff capabilities and the learning program; to assign personnel so as to ensure they are utilized as effectively as possible; and
- to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## EQUAL EMPLOYMENT OPPORTUNITY

The Board of Trustees is committed to providing equal access to all categories of employment in this District, regardless of race, color, national origin, creed or religion, marital status, sex, age, or disability.

The Board believes it to be in the interest of both students and the public to have a staff which is highly qualified and effective in performing the duties assigned to them, and which contains a healthy diversity of personal backgrounds.

The superintendent shall ensure that applicants for open positions in either the administrative, instructional or support staff of the District, are actively sought from members of any minority group which is underrepresented in that staff.

Candidates for open positions, as well as for promotion and transfer, will be evaluated on the basis of education, experience and ability, to determine fitness to perform the duties of the position.

At no time will any candidate for employment, current employee or former employee suffer any adverse action, or be granted any benefit, for any reason other than personal merit or conduct, or in violation of any law or regulation.

Any person noting or suspecting a violation of this policy is encouraged to bring the matter to the attention of the superintendent or the Board.

Cross-ref: 0100, Equal Opportunity  
5020.3, Students with Disabilities Pursuant to Section 504

Ref: 42 U.S.C. §§2000e-2000e-17 29 U.S.C.  
§206 Executive Order 11296 New York  
State Constitution Article I §11 Executive  
Law §296

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## SEXUAL HARASSMENT OF EMPLOYEES

The Board of Trustees is committed to safeguarding the right of all employees within the school District to a work environment that is free from all forms of sexual harassment. Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intent to sexually harass the person. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as supervisors.

Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to directly extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that they have been subjected to sexual harassment should report the alleged misconduct immediately pursuant to Regulation 9110.2-R, so that appropriate corrective action, up to and including discharge of the offender, may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the District's collective bargaining agreements and the tenure laws.

Training of the policy and its accompanying regulation are to be done on a yearly basis to all supervisory and non-supervisory personnel and posted in appropriate places.

Ref: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a)  
Equal Employment Opportunity Commission Policy Guidance  
(N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88 *Meritor Savings Bank, FSB v. Vinson*, All U.S. 57 (1986) Executive Law §§290 et seq.

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## **SEXUAL HARASSMENT OF EMPLOYEES REGULATION**

In addition to any relevant procedures contained in policy 9140.1, Staff Complaints and Grievances, the following regulation will implement the Board of Trustees' policy concerning sexual harassment of employees.

An employee can be subject to sexual harassment by another employee, a Board member or any individual who foreseeably may come into contact with the employee or school grounds or at any school-sponsored activities.

### *Definitions*

Employee shall mean all teaching, administrative and support personnel.

Immediate supervisor shall mean the person to whom the employee is directly responsible (e.g., Department Head, superintendent).

### *Procedures*

Employees who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer designated by the Board of Trustees to coordinate efforts to comply with Title IX and their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions found in the District's collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the District's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

### *Informal Complaints*

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken.

Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

Should the complainant be dissatisfied with the resolution, they are to file a formal written complaint.

## 9110.2-R

If during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

### *Formal Complaints*

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, e.g., the School Business Manager, the superintendent, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

### *Investigating a Complaint*

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

### *Remedial Action*

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's collective bargaining agreements.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

*Post Remedial Action*

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the District, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

*Complaint Records*

Upon written request, complainants should receive a copy of any resolution reports filed by the supervisor concerning their complaint. Upon substantiation, copies should also be filed with the employment records of both the complainant and the alleged harasser.

*Investigation in the Absence of a Complaint*

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

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**SEXUAL HARASSMENT FORMAL COMPLAINT FORM**

Name and position of complainant \_\_\_\_\_

Date of complaint \_\_\_\_\_

Name of alleged sexual harasser \_\_\_\_\_

Date and place of incident \_\_\_\_\_

\_\_\_\_\_

Description of misconduct \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any) \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? to whom? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction with prior resolution of informal complaint: \_\_\_\_\_

\_\_\_\_\_

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**CODE OF ETHICS  
CONFLICT OF INTEREST**

The Board of Trustees is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the school District. Therefore:

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

No person employed by the District shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No person employed by the District shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor to seek ways to reduce or eliminate the influence or interference.

The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the superintendent.

Cross-ref: 2170, Board Member Conflict of Interest

Ref: Education Law §§ 410, 3016  
General Municipal Law Art. 18, §§ 801-813  
Labor Law §201-d  
*Dykeman v. Symonds*, 54 AD2d 159 (4th Dep't 1976)

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## **DRESS CODE SCHOOL PERSONNEL AND VOLUNTEERS**

All school personnel are expected to give proper attention to personal cleanliness and to dress professionally for school and school functions. School personnel have the primary responsibility for professional dress and appearance. All District personnel should exemplify and reinforce acceptable student dress and help school personnel develop an understanding of professional appearance in the school setting.

Staff dress, grooming and appearance (including hair style/color, jewelry, make-up, and nails) shall:

1. Be safe, professional and not disrupt or interfere with the educational process.
2. Recognize that brief garments such as tube tops, net tops, halter-tops, beach wear, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Wearing tops that bears skin lower than 4 inches from the collar bone is considered non-professional in an elementary school setting and therefore is not permitted.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of hats in the classroom except for a medical or religious purpose.
7. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability.
8. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

The superintendent or his/her designee shall be responsible for informing all school personnel of the District dress code at the beginning of the school year in the Staff Handbook and any revisions to the dress code made during the school year.

School personnel who violate the dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Anyone who refuses to do so shall be subject to disciplinary action. Any staff member who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of work suspension and removal from position.

Adoption date: December 11, 2007

Revised date: May 19, 2015

Revised: August 15, 2023

## STAFF-STUDENT RELATIONS

The Board of Trustees accepts the principle that the relationship between staff and students should be one of cooperation, understanding and respect.

Staff members shall be expected to regard each student as an individual and to afford each the rights and respect due to any individual. Students shall be treated with courtesy and consideration.

Students shall be expected to regard staff members as individuals, employed to provide direct or indirect contributions to learning. No student shall have the right to interfere with the efforts of the instructional staff to coordinate or otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students.

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**BOARD-STAFF COMMUNICATIONS**

The Board of Trustees wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the superintendent.

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will develop appropriate methods to keep staff fully informed of the Board's problems, concerns and actions, and for staff to communicate information related to District operations.

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## STAFF COMPLAINTS AND GRIEVANCES

The Board of Trustees believes that a more harmonious and cooperative relationship between the school district and its employees may be established through procedures for the settlement of certain complaints and grievances in accordance with appropriate due process standards. Thus, the district shall implement a multi-stage grievance procedure for the prompt and equitable resolution of grievances pursuant to General Municipal Law Section 682(4), Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 which are not covered by any applicable collective bargaining agreement. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

### *Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to the parents/guardians of students, employees, students and the community. The public notice shall:

1. state that the District's education programs are offered without regard to race, color, national origin, creed or religion, sex, age, marital status, or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. be included in announcements, bulletins, catalogues, and applications made available by the District.

Ref: Title IX, Education Amendments of 1972, 20 USC Chapter 38; 34 CFR Part 106  
Rehabilitation Act of 1973, §504; 29 USC §794; 34 CFR Part 104  
General Municipal Law, Article 15-c Civil Service Law, Article 14  
*Matter of Gatje*, 24 EDR 191 (1984) *City of Schenectady*, 21 PERB 1(3022 (1988) *Pearl River UFSD*, 11 PERB 1J3085 (1978)

Adoption date: December 10, 1998

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## STAFF COMPLAINTS AND GRIEVANCES REGULATION

### Definitions

1. *Grievance* shall mean any alleged violation of Title IX of the Education Amendments of 1972 or Section 504 of the Rehabilitation Act of 1973 or any alleged grievance as that term is defined in General Municipal Law Section 682(4), unless any such violation or grievance is covered by an applicable collective bargaining agreement.
2. *Grievant* shall mean an employee who brings a grievance which affects ~~him/her~~ them.
3. *Compliance Officer* shall mean the employee designated by the Board to coordinate the District's efforts to copy with and carry out the responsibilities delegated under Title IX and Section 504.
4. *Designee* shall mean the employee who is designated to assume the duties of the Compliance Officer.

The resolution of staff grievances shall be dealt with in the following manner:

### *Stage I-Compliance Officer*

1. Within 30 school days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer or designee. The Compliance Officer or designee shall promptly investigate the grievance. All employees of the school District shall cooperate in such investigation.
2. Within 15 school days of the receipt of the grievance, the Compliance Officer or designee shall make a finding in writing as to whether there is merit to the grievance and/or whether there has been a violation of state or federal law. In the event the Compliance Officer or designee finds that the grievance has merit or that there has been a violation of law, ~~he/she~~ they shall propose a resolution of the grievance.
3. If the grievant is not satisfied with the finding of the Compliance Officer or designee, or with the proposed resolution of the grievance, the grievant may, within 15 school days after they have received the report of the Compliance Officer or designee, file a written request for review by the superintendent.

### *Stage II—Superintendent*

1. The superintendent may request that the grievant, the Compliance Officer or designee, or any member of the school District staff present a written statement to them setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.

## 9140.1-R

3. Within 15 school days of the hearing, the superintendent shall render their determination in writing as to whether there is merit to the grievance and/or whether there has been a violation of state or federal law. If it is found that the grievance has merit or that there has been a violation of state or federal law, they shall propose a resolution of grievance.
4. If the grievant is not satisfied with the determination of the superintendent, the grievant may, within 15 school days after its receipt, file with the Clerk of the Board of Trustees, a written request for review by the Board.

### *Stage III—Board of Trustees*

1. When a request for review by the Board has been made, the superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. Within 15 school days of the hearing, the Board shall render its determination in writing as to whether the grievance has merit and/or whether there has been a violation of state or federal law. If it is found that the grievance has merit or that there has been a violation of state or federal law, the Board shall propose a resolution of grievance.

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## PERSONNEL RECORDS

Information about staff is required for the daily administration of the school District, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting Board of Trustees, state and federal educational reporting requirements. To these ends, the Board authorizes and directs the superintendent to develop and implement a comprehensive and efficient system of personnel records maintenance and control under the guidelines which follow.

1. A personnel file will be accurately maintained for each present and former employee. These files will contain applications for employment; references; and records relative to compensation, payroll deductions, evaluations and such other matters as may be considered pertinent to the purposes of this policy as cited above.
2. The superintendent's Confidential Secretary will be responsible for personnel files and for maintaining and preserving the confidentiality of the files.
3. Except for information required to be disclosed under the Freedom of Information Law, all personnel records will be considered confidential and not open to public inspection, and access to files will be limited to school and governmental officials authorized by the superintendent to use the files for purposes of this policy as cited above. No other persons or agencies may have access to information in a staff member's file except when the staff member has given written consent for the release of specific information to a specific person or agency, or when such information is subpoenaed or ordered for release by a court of law.
4. Lists of District employees' names and home addresses will be released only to governmental agencies as required for official reports.
5. A present or former staff member may have access to ~~his/her~~ their own personnel file at all reasonable times (i.e., during regular school hours) but with the exception that access will not be granted to references provided to the district on a confidential basis prior to employment. The right of access includes the right to make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the staff member's file. In cases when file information is proved to be in error, correction will be made.
6. No complaint, commendation, suggestion, or evaluation may be placed in the evaluation section of a file unless it meets the following requirements:
  - a. the comment is signed by the person making the complaint, commendation, suggestion or evaluation; and
  - b. the superintendent or other supervisor has notified the employee that the comment is available in the District office for inspection prior to its placement in the evaluation section.
7. The above guidelines shall be implemented in accordance with the applicable provisions of any collective bargaining agreement.

The employee may offer a denial or explanation of the complaint, commendation, suggestion or evaluation, and any such denial or explanation will become a part of the evaluation section.

Cross-ref: 1120, School District Records  
 2110-R, School Board Powers and Duties Regulation  
 2110.1, School Board Access to Personnel Records



Ref: Education Law § 3 020-a  
8NYCRRPart84

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## MEALS AND REFRESHMENTS

It has been the practice of the Edinburg Common District Board of Trustees to provide modest food and beverages at certain kinds of events, as follows:

### 1. Education Business

Meetings and Training relating to District education.

Examples of this type of activity would be workshops or special meetings of the Board of Trustees that require members to come directly from work; training or information sessions for shared-decision committees or for employees on topics required for the execution of their responsibilities; and meetings with other school officers, such as NCS joint meetings, Board workshops or BOCES, hosted by Edinburg Common School.

### 2. Recognition

The Edinburg Common School Board of Trustees authorizes refreshments for special or "hallmark" events in the life of the institution.

The Board of Trustee considers such activities to be consistent with Policy 9000, Personnel Policies Goals, "To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction."

### 3. Communications

Open forum events are held occasionally in the schools to facilitate communication among school and community members. In the past, events for this purpose included school open houses, special topics, "Meet the Teachers," and others of similar nature.

The total expenses for food and beverages for each school year is, not to exceed \$1,000, which is representative of the level of annual expenditures for this purpose. During special events throughout the school year, all staff members will be encouraged and offered a complimentary meal or snack at such events.

Adoption date: February 14, 2006

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## STAFF POSITIONS

The Board of Trustees will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the District.

In each case, the Board will approve the purpose and function of the position in accordance with state laws and regulations, approve a statement of job requirements as recommended by the superintendent and delegate to the superintendent the task of writing or causing to be written, a job description for the position, subject to Board approval.

The superintendent will maintain a comprehensive, coordinated set of job descriptions, which set forth clear-cut responsibilities for all positions.

In the case of classified positions, the superintendent shall refer all proposals for the creation or reclassification of these positions and a statement of the duties for these positions to the municipal civil service commission having jurisdiction for such classification.

Ref: Civil Service Law §§35; 42-44  
New York State Constitution, Article V, §6

Adoption date: December 10, 1998

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## STAFF QUALIFICATIONS

All staff shall meet all qualifications for their respective positions as determined by the Board of Trustees and superintendent, and as stated by their respective job descriptions (including physical examinations).

Cross-ref: 0330, Evaluation of Professional Staff 9320,  
Drug-Free Workplace

Adoption date: December 10, 1998

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## STAFF QUALIFICATIONS REGULATION

### *Support Staff*

It is the policy of the Board of Trustees that physical examinations of school staff occur as follows:

1. Bus drivers, substitute drivers, private contract drivers shall have an annual physical examination performed during the month of August.
2. Cafeteria workers, substitute cafeteria workers shall have an annual physical examination performed prior to the first day of school and not before the end of the second week of August.
3. All new employees shall receive a physical examination prior to employment. The examination shall be completed within two weeks *of* notification of employment.
4. Personnel returning from extended sick leave: all personnel returning to work from extended sick leave shall have a doctor's release.

Physical examinations shall be performed by a physician designated by the District at no cost to personnel. Should a staff member choose to employ a physician other than that designated by the District, the expense for the physical will be borne by the employee.

Ref: Education Law §913

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**PARENTAL NOTIFICATION - RIGHT TO REVIEW TEACHER  
QUALIFICATIONS**

Dear Parents and Guardians:

In accordance with the federal No Child Left Behind Act of 2001, parents and guardians have the right to request specific information about the professional qualifications of their children's classroom teachers. As a parent/guardian of a student in the Edinburg School District, you have the right to request the following information:

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

Requests for information about the qualifications of your child's teacher(s) can be directed to the superintendent. All requests will be honored in a timely manner. Thank you for your continued support and interest in your child's education.

Sincerely,

Superintendent of Schools

Adoption date: March 11, 2003  
Reviewed: May 19, 2015  
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## RECRUITING AND HIRING

Through its employment policies, the Board of Trustees will attempt to attract, secure, and retain the best qualified personnel available. The selection program will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources, including present staff. Any current employee of the District may apply for any position for which they meet certification and other stated requirements.

The Board adheres to the practice of recruiting and hiring personnel without regard to religion, creed, race, color, marital status, national origin, sex or disability.

It will be the duty of the superintendent to see that persons nominated for employment in the schools meet all certification requirements and the requirements of the Board for the type of position for which the nomination is made.

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the superintendent. In the case of a rejection, it is the duty of the superintendent to make another nomination. No person shall be considered employed until a resolution to that effect has been approved by the Board and a contract executed by the employee.

Ref: Education Law §§913; 1604; 2509; 3012  
8NYCRR§100.3

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**RECRUITING AND HIRING REGULATION***Administrative Hiring Procedure*

- A. The following is the administrative process that has been used in hiring instructional personnel:
1. extensive posting/advertising of vacancy;
  2. deadline of receipt of all letters and recommendations;
  3. preliminary screening of all candidate materials by the superintendent and District Screening Committee. Select candidates for first round of interviewing by the Committee;
  4. Committee develops a rating sheet and questions to be used in interviewing all first level finalists. Applications and writing exercise sent to these candidates;
  5. Committee interviews the candidates who returned the application and writing exercise;
  6. Second round of candidates will teach a lesson
  7. Committee selects final candidates;
  8. reference checks of candidates are made;
  9. superintendent and Board member interview finalists and make selection to recommend to Board of Trustees and additional reference checks, if needed;
  10. executive session to discuss recommendation; and
  11. final candidate will be approved at Open Session.
- B. The following is the administrative process that is to be used in hiring non-instructional personnel:
1. extensive posting/advertising of vacancy;
  2. deadline for receipt of all letters and resumes;
  3. superintendent and supervisor of department review application material;
  4. superintendent and supervisor discuss important questions to ask candidates and develop criteria for desired skills/qualities for the position;
  5. superintendent and supervisor select finalists that best meet the qualifications and have desired skills/qualities for position;
  6. superintendent and supervisor interview the candidates;



7. reference checks of candidates are made;
8. selection is made to recommend to the Board;
9. executive session to discuss recommendations; and
10. final candidates will be approved at Open Session.

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Revised: August 15, 2023

**CONDITIONAL APPOINTMENT STUDENT SAFETY POLICY**

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the superintendent of Schools, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No District employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide instruction and/or other required services.

No District employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the superintendent has provided express prior permission to do otherwise.

The superintendent or their designee shall, at least twice a week, monitor the activities of such employees while on school District property during the period of their conditional or emergency conditional appointment.

In addition, the District will ensure that all personnel, including conditional and emergency conditional appointed employees, are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse. All conditionally appointed and emergency conditionally appointed employees receive this training at the time of their initial contingency appointment.

For purposes of this policy, the terms "conditionally appointed" and "emergency conditional appointment" shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Cross-ref: 9620, Child Abuse in an Educational Setting

Ref: Education Law §§1125-1133,1709 8  
NYCRR §§100.2 (hh); Part 87

Adoption date: May 8, 2007  
Reviewed: May 19, 2015  
Revised: August 15, 2023

## **PART-TIME EMPLOYMENT**

Upon the recommendation of the superintendent, the Board of Trustees will approve or reject the employment of part-time teachers consistent with the needs of the school District.

The appointment of part-time personnel will not extend beyond the school year for which employment is made.

Part-time teachers will meet all necessary certification requirements.

Cross-ref: 9270.1, Substitutes

Ref: Education Law §§2509; 3101(3); 3012

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## SUBSTITUTES

The Board of Trustees recognizes its obligation to provide qualified, temporary replacements for District employees who are absent from school.

Although it is the goal of the administration to hire certified substitute teachers, it is understood that time allowances and other circumstances may prevent this.

In order to allow adequate time for the school to procure a substitute, staff members should notify the BOCES substitute service as well as the superintendent of their absence in advance. Whenever possible, a teacher who will be absent should leave a detailed lesson plan for the substitute to follow.

Each year the Board, working with the superintendent, shall establish a salary schedule for substitute teachers and support staff.

Cross-ref: 9270, Part-Time Employment

Ref: Education Law §§2509; 2510; 3013; 3101  
Civil Service Law §201(7)(d) Labor Law  
§590 8 NYCRR §80.36  
*Robins v. Blaney*, 59 NY2d 393 (1983)  
***Rosenberg v. Westbury Public Schools*, 51 AD2d551 (2dDep't 1976)**  
*Matter of Rossi*, 22 EDR 128 (1982) ***Matter of Crandall*, 20 EDR 16**  
**(1980) *Matter of Negri*, 19 EDR 35 (1979) *Matter of Walsh*, 17 EDR**  
**434 (1978) *Matter of Blanchard*, 14 EDR 260 (1975)**

Adoption date: December 10,1998

Reviewed: May 19,2015

Revised: August 15, 2023

## SUBSTITUTES REGULATION

### *BOCES SUBSTITUTE SER VICE*

Staff members are to:

1. Log in to the substitute service (AESOP) as soon as they are aware that they will be absent from their class;
2. leave their name, the name of the District, the grade and subject taught, and the date of their absence;
3. indicate whether they will be absent for the day, or the morning, or afternoon; (if a part-time teacher, indicate the hours of employment);
4. provide a reason for their absence; and
5. indicate a preference for a particular substitute.

If a teacher or a school employee places a substitute on their own, they are to notify the substitute service as soon as possible that a request for a substitute has been made and a substitute has been placed.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## DRUG-FREE WORKPLACE

The Board of Trustees prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of their employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The superintendent or their designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Cross-ref: 8414.5, Alcohol and Drug Testing of Bus  
Drivers 9220, Staff Qualifications 9610, Staff  
Substance Abuse

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707  
Controlled Substances Act, 21 U.S.C. §812 21 CFR  
§§1300.11-1300.15  
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)  
Civil Service Law §75 Education Law §3020-a  
***Patchogue-Medford Congress of Teachers v. Board of Education,***  
70NY2d57(1987)

Adoption date: December 10,1998

Reviewed: May 19,2015

Revised: August 15, 2023

**DRUG-FREE WORKPLACE REGULATION**

1. The superintendent shall certify to any federal agency making a direct grant to the District that the District will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.
2. The superintendent or their designee shall establish a drug-free awareness program to inform employees about:
  - a. the dangers of drug abuse in the workplace;
  - b. the District's policy of maintaining a drug-free workplace;
  - c. any available drug counseling, rehabilitation, and employee assistance programs; and
  - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The superintendent or their designee shall publish a statement notifying District employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by District policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
  - a. abide by the terms of the statement; and
  - b. notify their immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five days of such conviction.
5. The superintendent shall notify the Board of Trustees of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the District shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

7. The District shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023



### **SMOKING ON SCHOOL PREMISES BY STAFF**

The Board of Trustees, recognizing health hazards associated with smoking and, consistent with the federal Pro-Children Act of 1994, prohibits smoking in any indoor facility in which the District conducts instructional, library, day care or early childhood services for children.

For further protection of employees and the public, the Board also prohibits smoking in non-instructional buildings or on the school grounds.

The superintendent will have copies of this policy prominently posted in the workplace, and written copies will be available for employees upon request. In addition, the Superintendent will designate one or more agents responsible for informing individuals smoking in a non-smoking area that they are in violation of Article 13-E of the Public Health Law and/or the Federal Pro-Children Act.

Cross-ref: 1530, Smoking on School Premises  
5312.3, Smoking

Adoption date: December 10, 1998

Revision date: June 14, 2011

Reviewed: May 19, 2015

Revised: August 15, 2023

## FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Trustees recognizes the right of eligible employees to unpaid family and medical leave for up to 12 weeks during any 12 month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least 12 months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care. Medical leave shall be provided in order for the employee to take care of a spouse, child, or parent who has a serious health condition or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the District of their request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, they must be returned to the same or equivalent position of employment. The superintendent or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: 29 U.S.C. §§2601-2654, the Family and Medical Leave Act of 1993 29 CFR Part 825

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## FAMILY AND MEDICAL LEAVE REGULATION

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Trustees shall provide a minimum of 12 weeks of unpaid leave in a 12 month period for its eligible employees. An eligible employee must have been employed for at least twelve months, have worked at least 1,250 hours during the prior 12 months, and be employed at a worksite where at least 50 employees are employed by that employer.

### *Right to Benefits During Leave*

An eligible employee is entitled to a combined total of twelve weeks of unpaid family and medical leave. Any employee who uses the unpaid leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered and shall be returned to an equivalent position according to established Board policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect, or the District may require, an employee to use available paid leave time for purposes of a family or medical leave. However, an employee may only use accrued leave in accordance with the collective bargaining agreement.

### *Family and Medical Leave*

Family leave is available when a son or daughter is born to the employee, adopted by an employee or one is placed with the employee for foster care. Medical leave is available in order for the employee to take care of a spouse, child, or parent who has a serious health condition or when the employee has a serious health condition rendering them unable to perform the functions of the employee's job.

A son or daughter shall include any individual whether biological, adopted, a foster child, a stepchild, a legal ward, or a child standing *in loco parentis* who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability. A parent shall include the biological parent of the employee or an individual who stood *in loco parentis* to the employee when they are a son/daughter. Furthermore, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Family leave must be taken within one year of the birth or placement of the employee's child. If both spouses are employed by the same school District, the combined amount of leave for family leave or medical leave to care for a sick parent may be limited to 12 weeks. This limitation does not include medical leave to care for a child or spouse or for an employee's personal medical/sick leave.

### *Notice to Take Leave*

The employee shall notify the District of his/her request for family or medical leave at least 30 days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable then notice shall be given as early as is practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the District's operations.

*Intermittent Leave*

An employee who requests family leave, shall not be provided intermittent leave or a reduced leave schedule unless the employee and District mutually agree. Intermittent leave may be provided for medical leave, however, the District may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave. For instructional employees who request medical leave and it is foreseeable that the medical treatment shall cause the employee to be on leave for more than 20% of the total number of working days in the period of leave, the District may require the employee to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

*Certification*

The District may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the District, the employee must provide the certification within 15 days. The certificate shall include:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement that the employee is unable to perform the functions of the employee's position; and
5. the dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the District doubts the validity of the certification, then, at the District's expense, a second opinion may be required from a health care provider selected by the District. The school physician cannot give this opinion. If the two opinions conflict, a third health care provider, at the District's expense, may be chosen by the two parties to render a final opinion.

*Restoration*

An instructional employee who begins any type of leave at least five weeks before the end of an academic term, may be required not to return until the new term begins if the leave is at least three weeks long and the employee would return during the last three weeks of the term. An instructional employee who begins leave, for any purpose other than personal illness, less than five weeks prior to the end of an academic term, may be required not to return until the new term begins if the leave is greater than two weeks and the employee would return during the last two weeks of the term. An instructional employee who begins leave, for any purpose other than personal illness, less than three weeks prior to the end of the term and the leave is longer than five working days, may be required not to return until the new term begins.

The District reserves the right to deny restoration to an employee who is among the highest paid 10 percent of the employees if specific conditions are met.

*Failure to Return*

The District may recover the health care premiums paid during the leave when the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

*Effect on Existing Laws or Agreements*

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

*Notice of Policy*

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Adoption date: December 10, 1998  
Reviewed: May 19, 2015  
Revised: August 15, 2023

### MILITARY LEAVE

The Board of Trustees recognizes the extensive reemployment rights and protections that federal and state law provide for employees on a military leave of absence. The Board's aim is to guarantee that employees who leave the security of their jobs and family be restored to the status and position they would have enjoyed had they worked continuously in such employment. Pursuant to this goal, military leaves shall incorporate the following requirements:

1. all school District employees shall be granted leaves for obligatory military service including fulfillment of annual National Guard training commitments-
2. an employee who is engaged in military service and who leaves a position other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service;
3. such employee shall be entitled to participate at their own expense in insurance or other benefits offered by the District for employees on a leave of absence that were in effect at the time the individual was called to military service;
4. an employee called to active duty for more than 90 days cannot be discharged without just cause for one year after reemployment;
5. all employees shall be paid their salary while absent due to an order of active duty of military service, for a maximum of 30 days or 22 working days, whichever is greater in any calendar year; and
6. time absent beyond the 22 or 30 day period shall not be counted or included in the public pension or retirement system unless such member contributes to the system the amount the person would have been required to contribute if he/she had been continuously employed during such period.

Reemployment rights attach to the returning employee provided the individual receives a certificate of satisfactory completion of military service and makes an application for reemployment within 90 days after being relieved from such service or at any time during the term of the leave.

If a teacher is called to active duty, the position vacated shall be continued in existence. The position will be deemed temporarily vacant and filled only when the public interest so requires. Any appointment to fill such a vacancy shall be as a substitute appointment. Such substitute employee shall acquire no right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of former incumbent to return to the position either by election, appointment or promotion.

If a teacher enters military duty before the expiration of a probationary period, the time absent on military duty shall be credited as satisfactory service during such probationary period. If the probation period ends while the teacher is on military duty, the period of such probationary service may be extended by the Board for a period not to exceed one year from the date of termination of such military duty, but in no event for a period beyond that required by the District at the time of the teacher's entry into military service.

Ref: Military Law §§242; 243; 244  
Veterans' Reemployment Rights Act 38 U.S.C. §§2021-2024  
Internal Revenue Code Notice 90-58  
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), 42  
USCA §300bb-1 et seq.

Adoption date: December 10, 1998  
Reviewed: May 19, 2015  
Revised: August 15, 2023

## STAFF SUBSTANCE ABUSE

The Board of Trustees strongly believes that all staff members are perceived, consciously or unconsciously, as role models in the school and in the community. Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug free lifestyle. The Board, therefore, will not tolerate the illegal use, including possession, sale and/or manufacture, of alcohol or controlled substances by staff members either in the workplace, or at any time when the effects of such substance(s) may impair the performance of their duties.

The District shall maintain an employee awareness program, including information regarding substance abuse rehabilitation programs provided by local agencies.

If an employee is found to have violated the terms of this policy, they may be required to participate in a substance abuse rehabilitation program and/or be subject to a range of penalties up to and including dismissal.

### *Employee Assistance Program*

The Board recognizes that the problems of alcohol and controlled substance use and abuse affect every segment of society. Therefore, in collaboration with District collective bargaining units, the Board will establish an employee assistance program that will provide appropriate and confidential prevention, intervention, assessment, referral, support and follow-up services for District staff. Staff members will be informed of such services and shall be encouraged to seek such help either voluntarily or in lieu of disciplinary action.

For most employees, the Board will not intervene unless the employee's personal problems adversely affect his or her job performance. However, drivers subject to the Omnibus Transportation Employee Testing Act of 1991 must be referred to a substance abuse counselor for evaluation and treatment if the employee has tested positive for controlled substances, received an alcohol concentration of 0.04 or greater, or refused to take a test.

### *Alcohol and Controlled Substance Testing of Employees*

No employee except drivers pursuant to policy 8414.5 shall be subjected to urinalysis or other form of alcohol or controlled substance testing without reasonable individualized suspicion that the employee has consumed alcohol or a controlled substance. The school attorney shall be consulted before any implementation of such testing. Failure to submit to required alcohol or controlled substance testing based upon reasonable individualized suspicion that the employee has violated District policy on alcohol and controlled substance use is grounds for disciplinary action up to and including dismissal.

In its effort to maintain a drug-free environment, the District shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

Cross-ref: 8414.5, Alcohol and Drug Testing of Bus Drivers 9320,  
Drug-Free Workplace



Ref: Drug-Free Schools and Communities Act (20 U.S.C.  
§§3171 et seq.)  
Omnibus Transportation Employee Testing Act of 1991  
Civil Service Law §75 Education Law §§3012; 3020-a  
*Patchogue-Medford Congress of Teachers v. Board of Education,*  
70NY2d57(1987) *Appeal of Board of Education of Community*  
*School District 19,* 32 EDR 354 (1992)

Adoption date: December 10, 1998  
Reviewed: May 19, 2015  
Revised: August 15, 2023

## STAFF SUBSTANCE ABUSE REGULATION

In the event that District supervisory personnel determine that a staff member has a potential problem related to alcohol or other substance use/abuse which adversely affects their job performance:

1. the supervisory personnel will attempt to compile information and/or document actions that have resulted in an unsatisfactory job performance, that may be related to the employee's alcohol or other substance use/abuse, including any observable signs of alcohol or substance use/abuse;
2. if the problem may adversely affect the employee's position, the District supervisory personnel will schedule a meeting with the employee to discuss possible employment concerns. Written notification regarding reasons for the meeting will be given to the employee. The employee will be entitled to have representatives of their association present;
3. the District supervisory personnel will then review the information with the employee. The employee may be subjected to urinalysis or other form of drug testing if there exists reasonable individualized suspicion that the employee has been using an illegal drug(s);
4. the employee may be asked to cooperate with an Employee Assistance Program representative; and
5. after exhausting the avenue of treatment and prevention, and if the problem still exists, the following steps may be taken:
  - a. verbal reprimand;
  - b. written reprimand; and/or
  - c. commence legal action.

The procedures set forth in this regulation will be subject to state law, civil service law and regulations, as well as terms of negotiated agreements.

Ref: Drug-Free Schools and Communities Act (20 U.S.C. §§3171 et seq.)  
Civil Service Law §75 Education Law §3020-a  
*Patchogue-Medford Congress of Teachers v. Board of Education*,  
70NY2d57(1987)

Adoption date: December 10, 1998  
Reviewed: May 19, 2015  
Revised: August 15, 2023

## SUSPECTED CHILD ABUSE BY DISTRICT PERSONNEL

The Board of Trustees recognizes that children have the right to an educational environment which does not threaten their physical and emotional health and development. Child abuse by school personnel violates this right and therefore is strictly prohibited.

The superintendent is directed to ensure that all employees are informed of this policy, and every school employee who comes into contact with students shall be informed concerning child abuse. Every school employee who suspects an incident of child abuse of a student by District personnel shall immediately report all information to the superintendent.

It shall be the responsibility of the superintendent to promptly and thoroughly investigate and document any suspected incident of child abuse of students by District personnel. The superintendent may prohibit unsupervised student contact by any District employee who is the subject of investigation of a suspected incident of child abuse.

The superintendent shall promptly notify the parents or guardians of students who are suspected victims of child abuse. No school personnel or Board member, with the exception of the superintendent and/or the superintendent's designee, shall make any statements or release any information which identifies or could be used to identify a suspected victim or perpetrator of child abuse to the public, media, staff, and/or student body while an investigation is pending. The superintendent and/or designee shall seek legal counsel concerning the nature of statements which are permissible in the particular case, prior to making any public statement on the case.

The superintendent shall contact law enforcement authorities concerning a suspected incident of child abuse of a student by District personnel when the totality of the facts and circumstances warrant the intervention of law enforcement authorities. The District shall cooperate to the extent possible with the investigation and prosecution of suspected child abuse of a student by a District employee. The District recognizes that any individual may contact law enforcement authorities concerning a suspected incident of child abuse of a student.

The superintendent shall report information indicating that an employee holding a teaching certificate has been convicted of a crime or has committed an act which raises a reasonable question as to his or her moral character to the State Education Department of New York. It shall be the policy of the District to construe an incident of student abuse as raising a reasonable question of the moral character of an employee holding a teaching certificate. The District recognizes that any individual may report information indicating that an employee holding a teaching certificate has been convicted of a crime or has committed an act which raises a reasonable question as to his or her moral character to the State Education Department of New York.

The superintendent shall report cases of suspected child abuse to the New York Central Register for Child Abuse and Maltreatment, as appropriate.

Cross-ref: 5460, Suspected Child Abuse and Maltreatment

Ref: Education Law §3209-a  
Social Services Law §§411 et seq.  
8NYCRR§83.1

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

**SUSPECTED CHILD ABUSE BY DISTRICT PERSONNEL**

*Confidential Report of Allegation*

<b><i>SUBJECT NAME</i></b>	<b><i>PARENT OF SUBJECT CHILD</i></b>
Name: _____ Address: _____ School: _____ Grade: _____ Sex (M, F, Unknown) Age or Birthday (Mo/day/Yr) _____	Name _____ Address (if different) _____

<b><i>SOURCE OF ALLEGATION (CHECK AS APPROPRIATE)</i></b>
[CHILD] [PARENT] [OTHER] – Name _____ Relationship to child (if any) _____

<b><i>ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)</i></b>
Name _____ School District _____ School Building _____ School Position _____

<b><i>SPECIFIC ALLEGATION</i></b>
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

<b><i>REPORTER INFORMATION</i></b>
Name: _____ School District _____ School Address: _____ School Position _____ Relationship to child (if any) _____
<input type="checkbox"/> Teacher <input type="checkbox"/> School Counselor <input type="checkbox"/> School Nurse <input type="checkbox"/> School Psychologist <input type="checkbox"/> Administrator <input type="checkbox"/> School Board Member <input type="checkbox"/> School Social Worker <input type="checkbox"/> School personnel required to hold
Date submitted to Administrator: __/__/__      Signature: _____

Adopted Date: November 8, 2005  
Reviewed: May 19, 2015  
Approved: August 15, 2023

<b>FOR SUPERINTENDENT OF SCHOOL USE ONLY</b>
Reasonable Suspicion _____ Yes _____ No
Date Submitted to Law Enforcement __/__/__ Name/Signature: _____
Date Submitted to Commissioner: __/__/__ Name/Signature: _____

## **DISCLOSURE OF WRONGFUL CONDUCT (Whistleblower Policy)**

The purpose of this regulation is to encourage its officers and employees to report instances of illegal or improper conduct such as theft, fraud and mismanagement of District resource. This policy also serves to notify District employees of the protections afforded them under the so-called "whistle-blower law" which prohibits a school District from retaliating against an employee who discloses to the District information concerning either a violation of law, rules or regulations, which creates a substantial and specific danger to the public's health and safety.

1. The Board of Trustees 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's policies and regulations and by all applicable state and federal laws and regulations.
2. When District officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e. g, mismanagement of District resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.
3. Purposes of this policy, the term, "wrongful conduct" shall be defined to include:
  - theft of District monies, property or resources;
  - misuse of authority for personal gain or other non-District purpose;
  - fraud;
  - actions that compromise the security and integrity of the District's or state's testing program
  - violations of applicable federal and state laws and regulations; and/or
  - serious violations of District policy, regulations, and/or procedure.

### Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools or the School Attorney. Each of these Board designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the superintendent of the Board of Trustees.

The superintendent or the School Attorney shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either State and/or Federal Law, the Board designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The District shall not take adverse employment action against an employee who has notified the District of wrongdoing, allowing the District the opportunity to investigate and correct the misconduct. The District shall not take adverse action against an employee who has reported misconduct when mandated to do so by Federal or State law or regulation.

#### Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or their designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before **and** adverse employment action was taken;
- whether the responding party could reasonably have been construed to have the knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, they shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report their findings and make any recommendations they deem appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The superintendent of schools shall establish regulations necessary to implement this policy.

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

The superintendent of Schools, the Auditor, The School Attorney, and others involved in implementing this policy shall meet with the Board of Trustees once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b  
 Labor Law §740  
 8 NYCRR §§102.3,102.4 (testing misconduct)  
*Garrity v. University at Albany, 301 A.D. 2d 1015 (3<sup>rd</sup> Department 2003)*  
 (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)  
*Matter of Brey v. Board of Education, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997)*  
 (termination based on work deficiency, not retaliation)

1<sup>st</sup> Reading: October 15, 2015  
2<sup>nd</sup> Reading: November 5, 2015  
3<sup>rd</sup> Reading: December 16, 2015  
Adoption Date: December 16, 2015  
Revised: August 15, 2023



## TERMINATION AGREEMENTS

The Board of Trustees will retain its prerogative to inform future employers of the circumstances of any employee's termination. This includes employees of the school District who may resign their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action. Such termination or settlement agreements often prohibit the disclosure of their terms to prospective subsequent employers, thus preventing prospective employers from becoming fully apprised of the reason(s) the individuals left their former positions and taking appropriate action.

The Board, therefore, prohibits agreement to any provision in any such settlement which will prevent the district from apprising prospective employers of the reason(s) that an employee has left employment with this District.

No school personnel or Board member, with the exception of the superintendent and/or their designee, shall make any statements concerning the reason(s) that an individual has left employment with the district. The superintendent and/or their designee shall seek legal counsel concerning the nature of statements which are permissible in the particular case, prior to making any statement in regard to the case.

The District will also report any serious misconduct to the appropriate authorities, including, but not limited to, the State Education Department and local authorities.

Ref: 8NYCRRPart83

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## STAFF DEVELOPMENT

The Board of Education believes that professional growth helps ensure the success of educational programs and improves the effectiveness of the school, as well as individual staff members. The Board encourages instructional staff, pupil personnel staff, and administrative staff to take graduate courses and participate in other activities which would enhance their effectiveness.

In addition, the Board also recognizes its responsibility to encourage staff development through goal-setting, budgetary commitment, and monitoring of staff development activities. The Board's decision to implement in-service activities, conference attendance, workshop participation, etc., is done in light of the fiscal constraints imposed on the Board. It is the Board's responsibility to make the most effective use of the resources available in providing a strong education program for the children of the District. In-service activities will be weighed against other essential expenditures of resources.

In-service programs will be conducted in the District by the superintendent or other appropriate personnel at least annually. The Superintendent is directed to provide for the selection of subjects pertinent to the curriculum in the schools, and to build from these subjects In-Service or Staff Development courses which will help teachers in new methods acceptable to the schools, or to help them to improved techniques already in use. Such programs will also familiarize the professional staff with the provisions and purposes of the school conduct and discipline policy to ensure its effective implementation. Instructional and support staff are encouraged to participate in in-service activities.

The superintendent has authority to approve release time and expenses for individual staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations, etc., within budgetary constraints. Prior approval must be obtained from the superintendent. In addition, the staff member may be requested by the administration to prepare a report or summary of the meeting attended.

### *Support Staff*

In-service activities for the classified staff will be provided within the financial constraints of the District. Attendance at such activities will be with the prior approval of the superintendent. In addition, the staff member may be requested by the administration to prepare a report of summary of the meeting attended.

Cross-ref: 5310, Student Discipline

Ref: Education Law §3604(8)  
8 NYCRR Part 80; §100.2(e)(vii)

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: January 2, 2018

Revised: August 15, 2023

**OFFICE USE ONLY**  
 NOTE: DO NOT Process  
 without Initials of  
 Superintendent  
 \_\_\_ Business Office  
 \_\_\_ RMO  
 \_\_\_ Superintendent

**EDINBURG COMMON SCHOOL**  
 4 Johnson Rd.  
 Edinburg, New York 12134  
 (518) 863-8412

**BUDGET CODE(S):**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CONFERENCE REQUEST FORM**

PLEASE ATTACH COMPLETE CONFERENCE ANNOUNCEMENT INCLUDING CONFERENCE DATE & LOCATION

Date of Request: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Employee's Name: \_\_\_\_\_  
 Conference Name: \_\_\_\_\_  
 Conference Location: \_\_\_\_\_  
 Overnight Lodging:  Yes  No  
 If yes, Facility Name and Location: \_\_\_\_\_  
 Purpose of Conference: \_\_\_\_\_  
 Dates of Conference: \_\_\_\_\_  
 Departure Date/Time: \_\_\_\_\_  
 Cost of Conference: \_\_\_\_\_ Total Approx. Cost: \_\_\_\_\_  
 (including Mileage, Hotel, etc.) \_\_\_\_\_  
 Check Payable To: \_\_\_\_\_

PLEASE COMPLETE THE FOLLOWING:

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Mail registration (please make sure registration form is attached)
<input type="checkbox"/>	<input type="checkbox"/>	Fax registration
<input type="checkbox"/>	<input type="checkbox"/>	After approval, you are responsible for making your own lodging reservations
<input type="checkbox"/>	<input type="checkbox"/>	Other instructions:

**PDP REQUIREMENTS**  
 Place a copy of your  
 Certificate of  
 Completion in your  
 folder.

**PROFESSIONAL DEVELOPMENT HOURS**  
 Conference Hours Attended: \_\_\_\_\_ (attach documents)  
 Which PDP Goal is addressed:  
 1. \_\_\_\_\_ Instructional Strategies  
 2. \_\_\_\_\_ Student Behaviors/Attitudes  
 3. \_\_\_\_\_ Division Goal; please specify:  
 \_\_\_\_\_  
 PDP HOURS (Please remember to add completed hours to your file)

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Denied By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Reason: \_\_\_\_\_

Complete 1 copy of this form and **submit to the Business Office**. Approved copies will be returned to you.

Any missing information will result in delay of processing. Please note PDP requirements

## PROFESSIONAL RESEARCH AND PUBLISHING

The Board of Trustees recognizes the value of educational research conducted by staff members. Through this policy, the Board wishes to encourage educational creativity and to define and safeguard the rights of the District and District employees.

A District employee who develops materials which may be copyrightable is required to cooperate with the District in defining and establishing rights to the materials. This obligation extends to any materials made on District time or using District facilities. When materials have been generated, the employee will promptly provide the superintendent, or their designee, with a statement describing the circumstances under which the materials were produced.

Materials or programs created as part of the employee's professional responsibilities will be the property of the Board. The Board will patent or copyright all such materials in its own name; however, such items will bear the name of the creator. All royalties from the production of this material or program will be returned to the school. In order to stimulate future creations, the Board may agree to distribute a proportion of the royalties to the innovator(s) and producer(s) of the material or programs.

If the employee has developed the materials on their own time, but while using school facilities, the employee shall permit the District to use the material without the payment of royalty.

When the materials or programs are created solely by an employee on their own time, the copyright will be the property of the individual employee if the material has been created solely at the author's expense on their own time. Any written material or patentable projects in the development form may be prepared at school expense and sold through the bookstore at the cost of production and handling if used in District classes.

The superintendent shall establish regulations to administer the Board's principle and policies concerning the development of copyrightable materials for research and publication.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## PROFESSIONAL RESEARCH AND PUBLISHING REGULATION

The following regulations shall define and safeguard the rights of the District and its employees in the development of copyrightable and patentable materials and/or programs:

1. Employees shall report all research and writing proposals, as well as ideas and offers to do research and writing, to the superintendent or their designee.
2. The superintendent or their designee shall be responsible for approving and overseeing the development and use of copyrightable and patentable materials or programs developed by staff.
3. When such materials have been generated, the employee will promptly provide the superintendent or their designee with a statement:
  - a. identifying the sponsor, if any, of the project or program;
  - b. stating whether the activity resulting in development of the materials is within the originator's normal activities and responsibilities with respect to their District employment;
  - c. indicating the extent to which equipment or physical facilities provided by the District were used in developing the material; and
  - d. noting the existence of any agreement between the employee and the District with respect to the material.
4. Materials, publications or projects created as part of the employee's job responsibility will become the property of the Board of Trustees:
  - a. the Board will patent or copyright all such materials or programs in its own name; however, such items will bear the name(s) of the employee;
  - b. all royalties derived from any licensing or use of the material or program will be paid by the publisher, producer or agent to the Board; and
  - c. in order to reward and stimulate such creativity, the District may enter into an agreement to distribute and return to the employee a percentage of the royalties agreeable to both the district and the employee.
5. When the employee has developed the material or program on their own time, but while using school facilities, the employee shall agree in writing to permit the District to use the material or program without payment of royalty.
6. When materials or programs are created by an individual employee on their own time and without use of District property:
  - a. copyright and royalties are the property of the employee;
  - b. such materials or programs in the development form may be prepared at school expense and sold through the bookstore at the cost of production and handling for use in District classes.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023

## **BARGAINING TEAMS**

Prior to commencement of any negotiations, the superintendent will recommend whether to appoint a labor lawyer, a BOCES negotiator or other professional negotiator, or representatives from within the supervisory District to serve as the Board's chief spokesperson. The balance of the team will be selected by the Board with the assistance of the superintendent. The fee or salary for a professional negotiator will be established by the Board at the time of appointment.

Negotiations will be conducted only as directed by the Board.

For pertinent information about negotiations, refer to the appropriate article in the various collective bargaining agreements.

Adoption date: December 10, 1998

Reviewed: May 19, 2015

Revised: August 15, 2023