

## PERSONNEL GOALS

The Board of Education recognizes that the school district's central goal – the education of children – is wholly dependent on the dedication and work provided by the school district's employees. The Board seeks to develop and implement personnel policies that will allow and enhance the ability of staff to educate children.

The specific goals that will guide the Board as it develops personnel policies are:

1. To hire and retain the best, most qualified and diversified staff available
2. To ensure staff are evaluated in a rigorous and meaningful manner
3. To grant tenure to staff who have performed at the highest level and
4. To provide professional development and training to staff to improve their skills.

Although the Board is the employer of all staff in the district, the Board recognizes that the Taylor Law requires the district to negotiate in good faith with recognized or certified employee organizations over wages, hours, and all other terms and conditions of employment as defined by the Taylor Law or as interpreted by the Public Employment Relations Board. The school district will fully comply with the requirements of the Taylor Law.

All other employees in the district who are not represented by a recognized or certified employee organization will receive fair compensation and benefits for the work they provide.

In return for the compensation and benefits provided to district staff, the Board expects employees to render the quality of service that enables children to learn at the highest level possible and seek continuous improvement in the service they provide.

Cross-ref: 0100, Equal Opportunity

Ref: Education Law §§ 1604(8), 1709(16); 2503(3); 2554(2); 3012(1)(a) (Board's authority to hire employees); 3012(2) (Board's authority to grant tenure to teachers)  
 Civil Service Law § 204 ("Taylor Law" requires school district to negotiate with unions)  
 8 NYCRR §§ 100.2(o)(2) (school district required to evaluate teachers);  
 100.2(dd)(2)(ii)(a) (school district required to provide professional development)

Adoption date: June 15, 2006

Revised: January 16, 2014

Revised: December 1, 2016

## WORK ENVIRONMENT

The Board of Education believes that the delivery of a quality educational program requires the united efforts of the Board, the administration, and the staff. The Board wishes to maintain an atmosphere of trust between the district and its employees.

The Board and the administration shall foster an atmosphere of trust through candid, open communications and the active, impartial enforcement of clearly stated principles governing conduct. Employees shall display fairness, respect and cooperation to the administration and their co-workers.

### Academic Freedom and Self-Expression

The idea of academic freedom proposes that a teacher must be able to think and express ideas in his area of scholarship without fear or coercion. He or she must also be able to select and employ materials and instructional methods, and to exercise those freedoms without undue pressure.

Certain responsibilities correspond to these freedoms. They include:

- An obligation to make the welfare of all students one's primary concern.
- An obligation to teach within the framework of the state's learning standards, national standards, and the standards of the discipline based professional organizations.
- An obligation to respect and support the mission and direction of the institution one has chosen to be part of; a willingness to sacrifice personal interest to the broader one.
- A commitment to respect students and colleagues and to uphold the good name of others, especially in disagreement.
- A commitment to the tradition and methods of scholarship: to honesty and the fair and open-minded search for truth; to reason and thoughtful inquiry and debate.

Cross-ref: 1420, Complaints About Curricula or Instructional Materials  
4810, Teaching About Controversial Issues

Adoption date: June 15, 2006

## CONFLICT OF INTEREST

The Board of Education 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 or the Board to seek ways to reduce or eliminate the influence or interference.

Staff members shall not use school time or school facilities in connection with any activity for personal financial profit. Any violation of this provision will be held to be willful insubordination.

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 of Schools.

Cross-ref: 2160, School District Officer and Employee Code of Ethics

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)

Adoption date: June 15, 2006

## STAFF-COMMUNITY RELATIONS

### Responsibilities of School Personnel

Most community members' perceptions of the North Shore Schools are shaped by personal contacts with board members, staff and employees. These contacts influence opinions about the quality of education children receive, the value residents are receiving for their investment in education, and their willingness to continue to invest. It is therefore important for the community to know that all members of the Board and staff are working for good schools and good community relations.

Board members, faculty and staff are consequently expected in their dealings to be friendly, polite, prompt, helpful, and fair in their dealings with the public. Disagreements will be handled reasonably and professionally. Members of the staff are expected to be well-groomed and well-spoken.

### Professional Staff Responsibilities

Professional staff represent the school system at all times and their casual opinions are often accepted as fact by the public. Therefore, they have special responsibility when discussing school matters with community members.

It is thus the policy of the Board that staff members should inform themselves of the philosophy, goals, policies and practices of the North Shore Schools. Disagreements concerning these matters should be expressed through the procedures established by the schools. In conversations with members of the public, members of the staff are expected to make a conscientious effort not to criticize colleagues or the district. Opinion should be balanced, straightforward, and factual, with a respect for positions other than one's own and for others' good name.

Cross-ref: 1400, Public Complaints

Adoption date: June 15, 2006

## STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

This policy and accompanying regulation (9140.1-R) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

### 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 parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin 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.

Cross-ref: 0100, Equal Opportunity

Ref: Americans with Disabilities Act, 42 USC §12111-12117; 12210  
 General Municipal Law, Article 15-c  
 Title IX, Education Amendments of 1972, 20 USC Chapter 38; 45 CFR  
 Part 86  
 Rehabilitation Act of 1973, §504; 29 USC §794  
 Civil Service Law, Article 14  
*Matter of Gatje*, 24 EDR 191 (1984)

Adoption date: June 15, 2006

## STAFF COMPLAINTS AND GRIEVANCES REGULATION

### Definitions

1. Grievant shall mean an employee who alleges that there has been a violation of Title IX, Section 504 or the Americans with Disabilities Act (ADA) statute or regulations which affect him/her.
2. Grievance shall mean any alleged violation of Title IX, Section 504 or ADA statute or regulations.
3. Compliance Officer shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 and the ADA.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

### Stages

#### A. Stage I--Compliance Officer

1. Within 30 days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, or any member of the school district staff present a written statement to him/her 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.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

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. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

Adoption date: June 15, 2006

**PERSONNEL RECORDS AND  
CONFIDENTIALITY OF DISCIPLINARY INVESTIGATIONS**

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, including disciplinary investigations, and for meeting Board of Education, state and federal educational reporting requirements. To these ends, the Board authorizes and directs the Superintendent of Schools to develop and implement a comprehensive and efficient system of personnel records maintenance and control.

Further, it is the policy of the North Shore Central School District that during the pendency of District investigations of staff performance and/or behavior that all staff, administrators and the Superintendent, together with members of the Board of Education, other than during the performance of their duties, shall refrain from making any statement either privately or publically that directly or indirectly references the staff member who is the subject of the investigation or the investigation itself, except as hereinafter indicated. Excepted from the foregoing are public statements made necessary as a result of publication by others, or the media, of allegations of acts of misconduct by staff that require appropriate response for the good order of the School District.

The Board has the right of access to personnel records of district employees pursuant to the procedures set out in Part 84 of the Regulations of the Commissioner of Education.

Cross-ref: 1120, School District Records  
Ref: Education Law §3020-a  
8 NYCRR Part 84

Adoption date: June 15, 2006  
Revised: July 1, 2014



## PERSONNEL RECORDS REGULATION

The district's system of personnel records maintenance shall adhere to the following:

1. A personnel file will be accurately maintained in the central administrative office 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 will be the records manager for personnel files and will have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.
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 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 employee's Principal 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.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.

Adoption date: June 15, 2006

## Oath of Allegiance

Chapter 485 of the Laws of New York State (amending Section 3002) require that each new professional staff member execute an oath of allegiance or form of pledge to support the Constitution of the United States and the Constitution of the State of New York, except that Chapter 195 of the Laws of 1990 provide for an alternative oath of allegiance for Native Americans.

No member of the professional staff may serve in a position without having signed one of the required oaths or pledges. Such an oath or pledge need be signed only once by an individual.

Ref: New York State Law  
Section 3002, Chapter 485

Adoption Date: October 16, 2008

### Oath of Allegiance Exhibit

Prior to the initial date of employment, each new professional staff member shall be required to execute an Oath of Allegiance to the Constitution of the United States and to the Constitution of the State of New York as set forth below. The oath will be filed in the individual's personnel folder which is maintained in the office of the Assistant Superintendent for Instruction.

#### Oath of Allegiance

I do hereby pledge and declare that I will support the Constitution of the United States of America and the Constitution of the State of New York, and that I will faithfully discharge the duties of the position of \_\_\_\_\_ according to the best of my ability.

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Name (please print)

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Address

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City, State, Zip

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Signature/Date

An enrolled member of an Indian nation or an Indian individual having an affiliation with an Indian nation recognized by the United States of the State of New York may elect to comply with the requirements of Section 3002 by subscribing and filing the following statement.

“I do solemnly affirm that I will faithfully discharge the duties of the position of \_\_\_\_\_ according to the best of my ability, and perform my duties in a manner consistent with the Constitution of the United States and the Constitution of the State of New York.”

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Name (please print)

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Address

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City, State, Zip

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Signature/Date

Ref: New York State Law  
Section 3002, Chapter 485  
Adoption Date: October 16, 2008

## RECRUITING AND HIRING

The Board of Education believes that the quality of the district's employees in large part determines the quality of the education offered to the district's students. As the employer for the school district, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the district.

The Superintendent of Schools or his/her designee shall implement and maintain a high-quality recruiting and hiring program to attract, secure and retain the best-qualified staff to meet the needs of students and the district.

### New or Revised Positions

The Superintendent of Schools or his/her designee will develop recommended qualifications for all new positions in the district and review the qualifications for all existing positions as necessary. The Board must approve the qualifications for all new positions in the district and revisions of the qualifications for existing positions.

The Superintendent of Schools or his/her designee shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the Nassau County Civil Service Commission for classification.

The Superintendent of Schools or his/her designee shall develop job descriptions that incorporate the qualifications and job duties for all positions in the school district.

### Recruiting

The district will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other stated qualifications.

When positions become available, promotion of qualified personnel within the district is encouraged. This policy shall serve as a guide in those cases where the qualifications of inside candidates are equal to or better than those of outside candidates.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, gender identity, sexual orientation, or any other status protected by federal or state law.

## Hiring

Through standard recruiting and hiring procedures, the Superintendent of Schools or his/her designee will ensure that candidates for district employment meet all the qualifications set for the position sought. The district will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements.

The Superintendent will recommend individuals for employment in the school district. The Superintendent must recommend all individuals for employment to the Board. The Board must approve of all individuals who are employed by the school district.

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.*  
Americans with Disabilities Act (ADA), 42 USC §§ 12101 *et seq.*  
Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e *et seq.*  
Rehabilitation Act of 1973 (Section 504), 29 USC § 794  
Title IX, 20 USC §§ 1681 *et seq.*  
New York State Constitution, article V, § 6  
Civil Service Law §§ 22, 40-44, 61(1)  
Education Law §§ 1604(8); 1709(16); 2503(3); 2554(2); 3012(1)(a)  
(board's authority to hire employees)  
Education Law §§ 1604(39); 1709(39); 1804(9); 1950(4); 2503(18);  
2554(25) (fingerprinting requirements)  
Executive Law §§ 290 *et seq.*

Adoption date: June 15, 2006

Revised: January 6, 2011

## RECRUITING AND HIRING REGULATION

### *Certificated Personnel*

#### Vacancies

1. Building Principals shall notify the Superintendent of Schools' office of all anticipated vacancies in professional positions occurring in their schools at the earliest practicable time.
2. A master list of all vacancies in professional positions shall be prepared and periodically updated by the Superintendent's office.
3. The Superintendent's office shall have sole responsibility for advertising vacancies in professional positions.

#### Applications

1. All inquiries regarding regular and substitute professional positions shall be forwarded to the Superintendent's office.
2. All applications for regular and substitute professional positions shall be submitted to the Superintendent's office.
3. Application forms for substitute positions shall be of different color than applications for regular positions.
4. The Superintendent's office shall maintain a master file of active, regular and substitute applications.
5. Original copies of any such applications may not be removed from the Superintendent's office, but will be available to Principals at the central office for inspection. Photocopies of any such applications may be obtained by Principals upon request.
6. The Superintendent's office shall have sole responsibility for any correspondence acknowledging inquiries and receipt of applications as well as regarding the candidacy of any applicant.

#### Screening

1. The Superintendent's office shall screen all applicants and send for the credentials of all promising applicants. The Superintendent shall ensure that all such applicants are properly certified and cleared by the State Education Department for fingerprinting requirements.
2. The Superintendent's office shall schedule preliminary interviews with promising applicants.
3. Strong candidates judged to be acceptable shall be referred with their credentials to the appropriate Building Principal and curriculum associate or director for further interviewing.
4. Principals shall refer the strongest candidates along with a statement indicating their desirability and their credentials to the Superintendent's office for a final interview.

5. Whenever possible, candidates should be observed in a teaching situation.
6. Whenever possible, a telephone call to one of the references (i.e., Building Principal) should be made.

Selection

1. The Superintendent shall have sole responsibility for selecting candidates to be recommended to the Board for appointment.
2. The Superintendent shall base his selection upon the recommendations of his subordinates, the candidate's credentials, and his own knowledge of the candidate.
3. The Superintendent shall cause the necessary documents to be prepared and submitted to the Board and to the candidates.

Filling of Vacant Positions

1. All vacancies in positions paying a salary differential or positions on the administrative-supervisory level, and all positions which provide for salary in addition to the regular salary schedule, including but not limited to summer school, summer programs and coaching positions, shall be filled as follows:
  - a. Wherever practicable, notice of the vacancy, which shall include the qualifications for the position and the salary, shall be posted on the mailroom bulletin board in each building at least seven school days prior to the appointment.
  - b. In the event positions for the school year become available during the summer recess, which must be filled prior to seven school days after the commencement of school in September, wherever practicable the notices shall be mailed to those office with at least two stamped, self-addressed envelopes for that purpose.
2. In filing such positions, initial consideration shall be given to applications regularly employed by the district, provided the qualifications for the position are met.
3. The Board's decision shall be final.

*Non-Certificated Personnel*

Applications for non-certificated personnel shall be made to the Superintendent or his/her agent. He/She recommend to the Board for appointment the applicant who, in his/her judgment, is best qualified for the position. Non-certificated employees serve a six month probationary period.

The hiring of new custodians shall be done by the school business official and his/her staff with the approval of the Building Principal wherever possible.

Adoption date: June 15, 2006

**DISTRICT EMPLOYMENT OF STUDENT AIDES**

All student employment must follow the provisions of State Education and Labor laws.

Ref: Education Law §§3215 et seq.  
Labor Law Article 4; §§161; 162

Adoption date: June 15, 2006



## **ORIENTATION**

The Board of Education directs the Superintendent of Schools, in collaboration with Building Principals and other professional staff, to establish a process for orienting new teachers and other staff which at a minimum provides them with an introduction to the goals, aspirations and expectations of the district schools, as well as with practical information necessary to help them in their time at the district schools.

Orientation may also be provided to returning staff members to acquaint them with any new programs, equipment, facilities, and/or ideas and procedures.

Orientation may include written materials such as selected Board policies and administrative regulations, staff handbooks, and student/parent handbooks. Orientation may also include meetings, lectures, discussions and workshops with people such as Building Principals, other administrators, senior staff members, Board members, parent organization leaders, or outside speakers.

Adoption date: June 15, 2006

## ORIENTATION REGULATION

The Building Principal is responsible for the orientation of new staff assigned to his/her school. He/she should give information and general directions in regard to the following:

1. The names of fellow teachers, the office clerk, cafeteria personnel, custodians and other special staff personnel who will come to the school;
2. Location and use of physical facilities of building: classroom, cafeteria, library, teachers' lounge and lavatories;
3. Teaching materials: state curriculum frameworks, courses of study, guide books, textbooks, and supplementary materials for grade or subject;
4. School forms: attendance reports, pupil and school records, transfers, purchase orders, plan books, etc.;
5. Method of ordering books and supplies; securing technology equipment, methods of getting material duplicated, disposing of lost and found articles;
6. Schedule and meaning of all bell signals and emergency procedures;
7. Regulations for pupils in buildings and on school grounds; uses of entrances, exits, lavatories, playground areas, equipment and activities; regulations for pupils during, before and after school hours;
8. Directions regarding building meetings, in-service training meetings, other meetings, assignments to school committees, fire drill regulations, policies concerning teacher's absence, attendance dismissal, excuse of pupils from school, etc.;
9. The goals and aspirations of our schools; and
10. School system policies and procedures.

Special orientation procedures are to be used each year for new teachers.

Adoption date: June 15, 2006

Revised: December 1, 2016

**CONDITIONAL APPOINTMENT AND EMERGENCY CONDITIONAL  
APPOINTMENT - STUDENT SAFETY**

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 make a conditional appointment or 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 teach a class or provide services to students with his/her classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

In no event shall such employee be left alone with an individual student.

The Building Principal or his/her designee shall provide heightened administrative supervision of such employees while on school district property during the period of their conditional or emergency conditional appointment including, for example, unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the district will ensure that all conditional and emergency conditional appointed employees become aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse at the commencement of their conditional or emergency conditional appointment.

For purposes of this policy, the terms “conditional appointment” 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; 1604; 1709; 1804; 2503; 2554; 3035  
8 NYCRR §§100.2 (hh); Part 87

Adoption date: June 15, 2006

## SUBSTITUTES

A substitute teacher shall be a person employed for short periods of time in the absence of the regular teacher because of illness or professional duties. To the greatest degree possible, the Board of Education shall employ as substitute teachers competent and effective individuals who are certified by the State of New York in an approved teaching area.

Pursuant to law, when substitute positions of five months or more become available, teachers on the district's preferred eligibility list (PEL) who were excessed from similar positions will be offered the position. The Education Law requires that teachers on a district's PEL must be offered any available substitute positions of five months or more in duration, without losing their status on the list, in addition to being offered any similar permanent positions that may become vacant. The declining of such reinstatement may not adversely affect the teacher's preferred eligibility status.

Individuals employed as substitute teachers who are not certified may be employed for up to 40 days during a school year, unless such individuals are in a program leading to teacher certification. In that case, there is no limit on the number of days for which they may be employed as a substitute teacher.

The employment of substitute teachers will be centralized for the district in the office of the Superintendent of Schools. Candidates selected will be recommended to the Board for placement on the list of approved substitutes. Principals will assume responsibility for the scheduling of substitutes from the approved list as needed.

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

Under the direction of the Superintendent, the professional staff shall provide suitable programs for training, assigning, orienting, and evaluating the work of substitute teachers.

Rates of compensation for substitute teachers will be set by the Board. Each year the Board, working with the Superintendent, shall establish a salary schedule for substitute teachers. Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school district.

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 AD2d 551 (2d Dep'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: June 15, 2006

## TEACHER RESPONSIBILITIES

### Teacher Responsibilities

Teachers in the district shall:

- Carry out the Mission of the school district.
- Act honestly and respectfully in encounters with students, parents, colleagues.
- Diligently plan and effect a well-organized, intellectually challenging academic program.
- Devote themselves to their classes and to individual students.
- Seek to engage students in the love and excitement of learning.
- Display commitment to learning and to their own growth as scholars and mentors.
- Promptly and effectively discharge their responsibilities to students, parents and school.
- Contribute to the ongoing growth and development of their institution.
- Cooperate with members of the staff, honestly expressing their views in reasonable constructive terms.
- Carry out the directives of those in authority.
- Place the welfare of all students and the whole of the school before self-interest.
- Familiarize themselves with and adhere to applicable laws and regulations, district policies and procedures.

School districts, schools and faculties of quality embrace high standards of professionalism and performance consistent with law and policy, and are committed to the mutual enforcement of those standards.

Cross-ref: 1400, Public Complaints

Adoption date: June 15, 2006

Revised: January 6, 2011

## **STAFF EVALUATION**

For those not covered by Education Law 3012-c (APPR)

The Board of Education believes that the regular, rigorous and meaningful evaluation of staff is necessary to improve the achievement of students and the efficiency of district operations. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are evaluated annually and receive additional staff training, if necessary, to improve their skills.

### Administrators

All administrators in the school district shall be evaluated annually by the Superintendent and Assistant Superintendents in accordance with any applicable collective bargaining agreements, as well as applicable provisions contained in the Annual Professional Performance Review

### Professional Employees

All professional employees (teachers, counselors, deans, lead teachers, nurse-teachers, school psychologists and social workers) shall be evaluated annually in accordance with any applicable collective bargaining agreement and the district's Annual Professional Performance Review Plan. The plan shall include criteria for evaluating teachers and other professional employees, assessment methods, plans to improve unsatisfactory teacher performance, and training for evaluators.

The Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan. The Superintendent shall be responsible for selecting those individuals with whom he or she will collaborate in the development of the plan. The Superintendent shall meet with a group of such individuals at least once each year.

The Superintendent shall submit the district's Annual Professional Performance Review Plan, with any recommended changes, to the Board at its reorganizational meeting each July. At that meeting, the Board may request that the Superintendent reconsider or reexamine certain aspects of the plan, in which case, the Superintendent will resubmit the plan at the Board's first regular meeting in August.

The Board will provide members of parent organizations and the president of the teachers' union the opportunity to comment on the plan, prior to its adoption, at any meeting at which the plan is considered. The Board must approve the plan before it becomes effective. The approved plan for each school year will be available in the district offices by September 10 of each year.

Support Staff

Support staff (those staff not required to be evaluated under the Professional Performance Review Plan) shall be evaluated annually in accordance with any applicable collective bargaining agreement. The Superintendent shall ensure that all required evaluations take place.

Training

The Superintendent shall ensure that all staff that are required to evaluate other staff are provided sufficient training in assessment and evaluation.

Cross-ref: 9700, Staff Development

Ref: 8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)

Adoption date: June 15, 2006

Revised: January 16, 2014



EVALUATION OF PERSONNEL  
Subject to Education Law §3012

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

The primary purposes of these evaluations are:

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

**APPR Ratings**

For those teachers and Principals subject to Education Law 3012-d, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and final quality rating of "highly effective," "effective," "developing", or "ineffective." The composite score will be determined as per the process defined in the district's approved APPR Plan.

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

The School District will ensure that all evaluators and appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

**Disclosure of APPR**

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

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

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

Education Law Section 3012-d  
Public Officers Law Sections 87 & 89  
8 NYCRR Sections 30-2 and 100.2(o)

Adoption Date: January 30, 2014  
Revised: December 1, 2016

## COMPENSATION AND BENEFITS

The Board of Education believes that the district's employees should receive fair compensation and benefits for the work they provide in serving the children of our community. To this end, the Superintendent of Schools shall be responsible for establishing and administering the compensation and benefits provided to the district's employees, consistent with collective bargaining agreements.

The Board and the school district will comply with all applicable federal and state laws that require minimum compensation, overtime and benefits be provided to certain employees.

### Determination of Employment Status

Before enrolling an individual in the district's compensation and benefits program, the district will determine the individual's employment status. In accordance with regulations issued by the State Comptroller and as set forth by the Internal Revenue Service, the Assistant Superintendent for Business and Personnel will determine if the person is an employee and thus entitled to benefits. If the individual is not an employee based on the specified criteria, they will not be enrolled in any of the benefit programs offered by the district or the State. When the district hires an attorney, physician, engineer, architect, accountant or auditor as an employee and not an independent contractor, the Board of Education President must certify to the applicable New York State Retirement System the factors supporting that determination using the form prescribed by the State Comptroller. The Board of Education President or his or her designee shall be responsible for reporting to the appropriate retirement system those individuals eligible for membership. This reporting shall take place at the time of an individual's employment, and at the intervals required by the appropriate retirement system.

### Employees Covered by Collectively Negotiated Agreements

The compensation and benefits (except for State Retirement System benefits) for employees who are represented by recognized or certified employee organizations are established by collectively negotiated agreements negotiated between the employee organizations and the district. The district will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the applicable collectively negotiated agreements.

The Board reserves its right to approve all additional funding required by the provisions of a tentative collectively negotiated agreement, in addition to any right of ratification that is secured by the district's negotiation representative(s).

Employees Not Covered by Collectively Negotiated Agreements

The compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be determined by the Board of Education, upon the recommendation of the Superintendent.

Cross Reference: 6741, Contracting for Professional Services  
6800, Payroll Procedures  
9420, Recruiting and Hiring

Ref: Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§ 300bb-1 *et seq.* (federal law that requires the continuation of health insurance benefits under certain circumstances)  
Fair Labor Standards Act (FLSA), 29 USC §§ 200 *et seq.* (federal law that requires a minimum wage and overtime for non-exempt employees)  
Family and Medical Leave Act of 1993 (FMLA), 29 USC §§ 2610 *et seq.* (federal law that requires an unpaid leave of absence for certain family and medical situations)  
Civil Service Law §§ 200 *et seq.* (“Taylor Law,” requires school districts to negotiate with unions)  
Education Law § 3005-b (requires a minimum sick leave allotment and accumulation for teachers)  
Local Finance Law § 2.00(5)€ (designates Board of Education President as Chief Fiscal Officer)  
2 NYCRR Part 315.2 and 315.3 (criteria for determining employment status)

Adoption date: June 15, 2006  
Revised: April 15, 2021

**COMPENSATION AND BENEFITS REGULATION  
EMPLOYMENT STATUS DETERMINATION**

When making a determination as to whether an individual should be classified as an employee or an independent contractor for purposes of receiving district compensation and benefits, and specifically for reporting to the New York State Employees Retirement System, the district shall utilize the factors listed in the Comptroller's Regulations §315.3. Under § 315.2 of those regulations, the following definitions apply:

- a. Employee means an individual performing services for the district for which the district has the right to control the means and methods of what work will be done and how the work will be done.
- b. Independent Contractor means a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the district as to the means and methods of accomplishing the result.

I. Employees

The following factors shall support a conclusion that an individual is an employee rather than an independent contractor:

- a. The district controls, supervises or directs the individual performing the services, not only as to result but as to how assigned tasks are to be performed;
- b. The individual reports to a certain person or department at the beginning or during each work day;
- c. The individual receives instructions as to what work to perform each day;
- d. The individual's decisions are subject to review by the district;
- e. The district sets hours to be worked;
- f. The individual works at established and fixed hours;
- g. The district maintains time records for the individual;
- h. The district has established a formal job description;
- i. The Board of Education formally created the position with the approval of the local civil service commission where necessary;
- j. The district prepares performance evaluations;
- k. The district requires that the individual attend training;
- l. The district provides permanent workspace and facilities (including, but not limited to, office, furniture and/or utilities);

- m. The district provides the individual with equipment and support services (including, but not limited to, computer, telephone, supplies and/or clerical assistance);
- n. The individual is covered by a contract negotiated between a collective bargaining unit and the district;
- o. The individual is paid salary or wages through the district's payroll system;
- p. Tax withholding and employee benefit deductions are made from the individual's paycheck; and
- q. The individual is entitled to fringe benefits (including, but not limited to, vacation, sick leave, personal leave, health insurance and/or grievance procedures).

II. Independent Contractor

The following factors shall support a conclusion that an individual is an independent contractor rather than an: employee

- a. The individual has a personal employment contract with the district;
- b. The district pays the individual for the performance of services through the submission of a voucher;
- c. The individual is authorized to hire others, at the expense of the individual or a third party, to assist the individual in performing work for the district;
- d. The individual provides similar services to the public;
- e. The individual is concurrently performing substantially the same services for other public employers; and
- f. The individual is also employed or associated with another entity that provides services to the district by contract, retainer or other agreement.

When an individual is providing services to the district in the capacity of attorney, physician, engineer, architect, accountant or auditor, and is also a partner, associate (including an attorney in an "of counsel" relationship), or employee of another organization or entity that has a contract, retainer or other agreement to provide professional services to the district, it shall be presumed that the individual is an independent contractor and not an employee of the district.

Adoption date: April 15, 2021

**LEAVE OF ABSENCE FOR BREAST CANCER SCREENING**

Every employee of the School District shall be entitled to a paid leave of absence not to exceed a total of four (4) hours per year in order to undertake screening for breast cancer.

Ref: Civil Service Law  
Section 159-b

Adoption Date: November 15, 2007

**LEAVE OF ABSENCE FOR PROSTATECANCER SCREENING**

Every employee of the School District shall be entitled to a paid leave of absence not to exceed a total of four (4) hours per year in order to undertake screening for prostate cancer.

Ref: Civil Service Law  
Section 159-b

Adoption Date: November 15, 2007



## CHILD ABUSE IN AN EDUCATIONAL SETTING

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

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

### Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate.

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Other district employees may, of course, report allegations of child abuse allegedly committed by district staff and volunteers and are encouraged to do so.

### Definitions

For purposes of this policy, “educational setting” means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a New York State school district, other than New York City.

“Child abuse” generally refers to any intentional or reckless act by an employee or a volunteer against a child which injures or kills a child or creates a risk of injury or death, or constitutes child sexual abuse, or involves the actual or attempted dissemination of indecent materials to minors. If a required reporter or any other district employee has a question as to whether alleged conduct constitutes “child abuse,” he or she shall promptly raise the question to the Principal of the building where the abuse is alleged to have occurred. The Principal shall consult Article 23-B of the Education Law or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

### Reporting Requirements

Required reporters and any other district employee deciding to report an allegation of child abuse by district staff or volunteers shall complete a written report as soon as practical after receiving the allegation, but in no event shall a required reporter wait more than one workday to file a report.

The required reporter shall personally file the report with the Principal of the school in which the child abuse allegedly occurred.

If the alleged abuse did not occur in a school building, the report shall be filed with the Principal of the school attended by the alleged victim.

If the alleged abuser is an employee or volunteer of another district, the report shall be sent to the Superintendent of the district where the alleged child victim attends school and to the Superintendent of the district where the abuse allegedly occurred (if different). The report shall be prepared on a standard form supplied by the district. Each Building Principal shall keep a supply of the forms available in his or her office.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If the person making the allegation of abuse is someone other than the child or the child’s parent, the Principal shall contact the person making the report to learn the source and basis for the allegation.

If the Principal determines there is reasonable suspicion, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse). The notice shall be given by telephone (if possible) and in writing, sent via overnight mail to the parent.

The notice shall inform the parent of his or her rights and responsibilities related to the allegations of abuse.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certificate or license issued by the department.

#### Rights of Employees and Volunteers

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made shall be permitted to have unsupervised contact with any district student. Any employee against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse shall be permitted to render volunteer services to the district. Any volunteer against whom an allegation of child abuse has been made and against whom the district decides to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

#### Confidentiality

All reports and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

#### Penalties

Required Reporters. Any required reporter who willfully fails to make a written report of alleged child abuse required by Article 23-B of the Education Law shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement.

Administrators. Any administrator who (1) willfully fails to submit a written report of alleged child abuse to an appropriate law enforcement authority as required by Article 23-B of the Education Law, or (2) makes any agreement to withhold from law enforcement authorities, the Superintendent or the Commissioner, the fact that an allegation of child abuse in an educational setting

on the part of any employee or volunteer has been made in return for the employee's or volunteer's resignation or voluntary suspension from his or her position, or (3) willfully discloses a confidential record shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

#### Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

#### Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all required reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.

Cross-ref: 5460, Child Abuse in a Domestic Setting

Ref: Education Law §§1125-1133  
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)

Adoption date: June 15, 2006

## SEXUAL MISCONDUCT

The Board of Education requires that the relationship between employees, volunteers and students to be based upon mutual respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students, in all curricular and extra-curricular activities, both on and off school property.

Any behavior of a sexual nature which may constitute professional misconduct and is a violation of criminal or civil statutes, professional codes of ethics, or board policy is strictly prohibited. Such behavior includes, but is not limited to, the following:

- Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of the Education Amendments of 1972. [See policy 0110 for guidance on sexual harassment complaints.]
- Any conduct that would constitute sexual abuse of a minor under the New York State Penal Law (e.g., rape, forcible touching, sexual intercourse, aggravated sexual conduct, etc.). [See policy 9620 for guidance on reporting child abuse in the educational setting.]
- Any sexual relationship by an employee or volunteer with (1) any K-12 student in the district, regardless of the student's age, or (2) a former student under age 18.
- Any activity directed toward establishing a sexual relationship such as dating, sending intimate communications; and/or engaging in sexualized dialogue whether in person, by phone, via the Internet, or in writing.

Individuals who are aware of any sexual misconduct by an administrator, employee or volunteer of the district shall report such action to the Title IX Officer, the Building Principal, or the Superintendent of Schools.

After a thorough investigation and depending on the nature of charges, the district will take appropriate disciplinary action in accordance with district policy, collective bargaining agreements and appropriate criminal and civil statutes. Where appropriate, such disciplinary penalties might involve seeking revocation of certification and/or reporting such activity to appropriate law enforcement officials.

Cross-ref:      0110, Sexual Harassment  
                       9620, Child Abuse in an Educational Setting

Ref:      Education Amendments of 1972, Title IX, 20 U.S.C.§1681 *et seq.*  
                       Education Law §§1125-1133  
                       Penal Law §§130, 235, 263

Adoption date:      February 4, 2021

## NON-SCHOOL EMPLOYMENT

Staff members shall not employ their time outside of school hours in any manner which interferes with their efficiency or effectiveness in their school responsibilities. Such off-duty employment that interferes with work or which creates a conflict of interest may be justification for disciplinary action, due to its impact on job performance. Any violation of this provision will be held to be willful insubordination.

Cross-ref: 4452, Tutoring

Adoption date: June 15, 2006

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

The Board of Education 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.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, 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, regulation, 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, the School Attorney or the External Auditors. 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 the 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 or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Independent Auditor 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 his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had 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, he or she 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 his or her findings and make any recommendations he or she deems 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, unless an appeal is filed.

Appeals regarding the Superintendent shall be sent to the Board of Education. All others shall be sent to the Superintendent.

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 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> Dept. 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. Bd. of Educ.*, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997)  
(termination based on work deficiency, not retaliation)

Adoption date: February 4, 2021

## STAFF DEVELOPMENT

The Board of Education believes that staff training and development help ensure the success of educational programs and improve the efficiency of the district. Therefore, the district will provide development opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools shall be responsible for implementing and administering staff development programs for the district's employees.

Teachers and administrators shall participate in ongoing programs of growth and development aimed at improving their professional knowledge and skills and at helping them remain intellectually vibrant and effective throughout their careers. These programs shall be consistent with the Mission of the district and the goals of the Board, while at the same time reflecting the varied abilities, knowledge and needs of the staff.

### Administrators

All administrators in the school district will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent will be responsible for providing such training and development.

### Teachers

All teachers will be provided with substantial professional development opportunities directly related to student learning in accordance with any applicable collective bargaining agreement and the district's Professional Development Plan. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.
- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 175 hours of professional development every five years.

- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.

The District Professional Development Committee shall review and revise the district's Professional Development Plan annually. The plan shall include provisions for how members are appointed to the committee..

The Professional Development Committee shall meet on or before October 1. The Superintendent or his/her designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the district's Professional Development Plan.

The Professional Development Team will submit any recommended revisions to the Professional Development Plan to the Board by April 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30th. The Board reserves the right to make changes to the revised plan.

#### Other Professional Staff and Support Staff

The district will provide staff development activities for other professional staff and support staff within the financial constraints of the district budget and in accordance with applicable collective bargaining agreements.

#### Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, district employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3604(8) (Superintendent conference days)  
8 NYCRR §§ 100.2(dd) (Professional Development Plans);  
100.2(o)(iii)(b)(5) (required training on conducting staff evaluations)

Adoption date: June 15, 2006

## PROFESSIONAL RESEARCH AND PUBLISHING

The Board of Education 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 of Schools, or his/her 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 his/her 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 her/his 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 his/her 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.

### Professional Articles

Staff members are encouraged to contribute professional articles and news items to local, state, and national agencies. As a matter of professional ethics, all professional articles should be cleared through the office of the Superintendent in the event that the district schools or any of their separate divisions is mentioned.

Adoption date: June 15, 2006