

Personnel

Marlboro Central School District

PERSONNEL

(Section 6000)

NUMBER

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SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL**General Provisions**

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

Standards of Conduct

Every Board member or employee of the Marlboro Central School District shall be subject to and abide by the following standards of conduct:

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

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Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

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

Legal Remedies

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

Distribution/Posting of Code of Ethics

The Superintendent of the Marlboro Central School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

(Continued)

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

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

Effective Date

This resolution shall take effect immediately.

General Municipal Law, Article 18
Education Law Section 410
Labor Law 201-d

Adopted: 8/19/04

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**Policy and Procedures for Discrimination Complaints**Policy Statement

It is the policy of the Board of Education of the Marlboro Central School District ("Board") to provide equal opportunity without regard to race, color, creed, age, sex, sexual orientation, marital status, veteran status, national origin, or disability. As such, the Board has a strong commitment to providing a work environment conducive to maintaining the dignity of all its workers and encouraging efficient, productive and creative work.

Employees are prohibited from engaging in discriminatory acts. The Board considers compliance with this discrimination policy to be essential and hereby instructs all employees of the Board to conduct themselves in accordance with this policy. The Board gives notice to its employees that there exists a clear recourse under the policies and procedures of the Board to address their complaints of discrimination. The Board encourages all employees to bring to the attention of the compliance officer any incident or incidents which the employee views as prohibited, discriminatory conduct.

Complaints and Investigation

Any employee of the Board who believes that he/she has been subjected to discrimination shall submit a complaint in writing all incidents of such conduct to the Board's designated compliance officer giving the specifics of the complaint as to who, what, where and when, to the extent practicable.

Furthermore, the Board encourages any employee to make a written or verbal complaint to the compliance officer using the specifics of the complaint, as referred to above, if that employee believes that he/she has witnessed the discrimination of another employee or has witnessed an admission of discrimination, whether the discrimination to be complained of was committed by a Board official or Board employee against another Board employee.

In order to be able to investigate while evidence is available, it is very important that complaints be made soon after the occurrence of the conduct complained of. In the event that the compliance officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

Upon receipt of a complaint, the compliance officer, or alternate, will conduct a thorough investigation of the charges. All reports are to be fully investigated even if the complainant does not wish to have that done. All investigations are to be completed within a reasonable period of time and kept as confidential to the extent practicable.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Both the complainant and the respondent are entitled to fair treatment in the handling of the complaint, as well as to privacy and discretion to the extent practicable. The Board views any retaliatory behavior against complainants and/or witnesses as misconduct. Whether or not the following are considered to be discrimination, any attempt to retaliate against an individual for bringing a complaint may itself be treated as misconduct. In all of the proceedings described below the complainant and the respondent are each free to designate one other Board employee to accompany him/her to provide advice and moral support.

Responsive Action

Based upon the results of the investigation, immediate corrective action will be taken when warranted, up to and including termination of the offender's employment in accordance with the appropriate contract, if any, and the law. Follow-up inquiries shall be made to ensure that the prohibited conduct has not resumed and that the victim and/or witnesses have not suffered retaliation.

In the case of complaints that might potentially involve criminal charges against the respondent, the compliance officer shall take steps to have the pertinent information transmitted to law enforcement authorities. Notwithstanding the foregoing, the complainant may also bring a complaint to the law enforcement authorities.

Employee Complaints to Agencies

The Board acknowledges that while it would like employees to raise issues of discrimination pursuant to this policy and regulations so that they can be addressed by the Board, any employee also has the legal right to immediately make a complaint to the appropriate governmental entity which includes the following:

Equal Employment Opportunity Commission (EEOC)

New York State Division of Human Rights

PLEASE TAKE NOTICE THAT THE FAILURE TO FILE A COMPLAINT WITH THESE AGENCIES WITHIN THE STATUTORY PERIOD MAY RESULT IN THE LOSS OF LEGAL RIGHTS.

Civil Rights Act of 1964, Title VII
New York State Executive Law, §290, et seq.
29 CFR 1604

Adopted: 8/19/04

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**Preamble**

The Marlboro Central School District does not discriminate on the basis of sex in its educational programs or the activities which it operates. Sexual harassment of employees and students is illegal and the district will strive to safeguard the rights of all employees and students within the district and to provide an environment that is free from sexual harassment. This policy relates to sexual harassment including that contemplated by Title VII and IX of the US Code. Nothing in the Regulations or in the Policy shall prohibit the taking of other action with regard to employees or students permitted by law by the district or its agents with regard to oral or written complaints and reports of sexual harassment whatever the source.

Definition of Types of Conduct Constituting Sexual Harassment

- a) Sexual harassment is defined by the law through statutes, decisions and regulations and consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status as a district student
 2. Submission to or rejection of such conduct by an individual is used as a basis for performance evaluation of employees and/or students or other employment or educational decision affecting an individual
 3. Such conduct has a purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment for employees or educational environment for students
 4. Such conduct constitutes sexual harassment under federal or state laws
 5. Such conduct engaged in by students subject to Section 3214 of the Education Law constitutes conduct proscribed under Section 3214.
- b) Forms of sexual harassment may include, but are not limited to:
1. Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, request for sexual favors, questions about a person's sexual practices, sexually explicit jokes, lewd comments, sexual assaults.
 2. Non-verbal: Sexual or suggestive objects or pictures, suggestive or sexually insulting sounds, leering, whistling, obscene gestures, crude cartoons.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

3. Physical: unwanted physical contact including, but not limited to, touching, pinching, brushing the body, pulling at clothes, coercive sexual intercourse, assault, cornering, kissing or fondling.

Complainant Communications of Sexual Harassment

Any District employee or student who believes that he/she has been subjected to sexual harassment should communicate the alleged misconduct in accordance with the Sexual Harassment Regulations. The District will ensure that an investigation is promptly commenced by appropriate individuals. The time limits set should be kept to the extent practicable.

Non-Complainant Communications of Sexual Harassment

- a) Employees may communicate to the Compliance Officer an observed incident(s) of sexual harassment. Except that employees responsible for student discipline and order should continue to communicate all serious incidents of misconduct including those involving sexual harassment when they come to the attention of the employee or the appropriate administrator, those incidents of sexual harassment communicated to the administrator should also be communicated to the Compliance Officer. Nothing herein shall preclude other employees or students from communicating personally observed incidents of sexual harassment or information about incidents communicated to such individuals.

The Compliance Officer should keep a log of all of these communications and the action taken, if any.

- b) Teachers and administrators who witness or are told about incidents of sexual harassment of students should promptly call that to the attention of the alleged harasser and Compliance Officer.
- c) Administrators who witness incidents of sexual harassment by employees or students against an employee or student should promptly call that conduct to the attention of the harasser.

Employee and Student Recipients of Communications of Alleged Sexual Harassment

Employees and students who are the recipients of student and employee communications alleging sexual harassment by an employee or student of the District community are requested to encourage those complaining to promptly make their complaints to the Compliance Officer.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**Complaints and Reports**

All complaints of sexual harassment will be kept as private as is reasonable to provide for the implementation of this policy and related regulation. Reports made to the Compliance Officer and complaints made by or about students will be brought to the attention of the students' parents or guardians. Unless the conduct alleged in the report becomes a complaint, whether formal or informal, it will not be dealt with by the Compliance Officer under these Regulations beyond the investigative state, if any. However, the subject matter of the report and alleged conduct may be dealt with by the District and the District reserves all its rights in this respect.

Discipline

The District considers sexual harassment to be a serious offense. Those District employees and/or students who violate this policy should expect serious consequences. The District condemns any retaliatory behavior against complainants, reporters, communicators or witnesses, or any one administering the policy or regulations. Those engaging in retaliatory conduct shall be subject to discipline.

District employees and/or students whose conduct constitutes sexual harassment or retaliatory behavior may be subject to disciplinary action, including suspension from school for students subject to Section 3214 of the Education Law, expulsion of other students and discharge from employment, even for a first time offense, if egregious, consistent with applicable federal and state laws, including the Civil Service Law, relevant collective bargaining agreements, tenure law and/or the Student Conduct and Discipline Policy at the District or in the students' resident district.

Regulations

The District is directed to develop and implement specific procedures on reporting, communicating, complaining, investigating and remedying allegations consistent with applicable federal and state laws and/or the Student Conduct and Discipline Policy of the District or of the student's resident district. The District shall designate an individual to the district for the position of Compliance Officer.

Alternate Responses to Proscribed Behavior

The procedure and provision of the Superintendent's regulations shall not limit the District or its agents from other actions consistent with the law.

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SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**Publication of Policy and Regulations**

Copies of this policy and its accompanying regulations are to be distributed to all District employees and students and posted in appropriate places and sent to the Superintendents of all component districts. The District shall have annual orientation sessions for students and employees to inform them of the policy and regulations, to make them sensitive to prohibited behavior, to answer questions raised and to publicize preventive measures to deal with sexual harassment.

Definitions

"Employee" shall mean all teaching, administrative and support personnel.

"Student" shall mean any individual enrolled in a course at the District.

"Complainant" shall mean an employee or student (individuals in a parental relationship may bring the complaint on behalf of the student) who complains of being the object of sexual harassment.

"Compliance Officer" shall mean the individual who processes the complaints, including but not limited to, sexual harassment as contemplated by Title VII and IX of the U.S. code, in accordance with these regulations.

"Reporter" shall mean any employee or student or other individual who informs the Compliance Officer of an incident(s) of sexual harassment which has been observed by that individual or which has come to the individual's attention.

"Report" shall mean a statement about sexual harassment made by a reporter.

Compliance Officer

The Compliance Officer, even if appointed for a particular period by the district, may be replaced at any time by the district. The number of compliance officers may be increased or decreased and the District may make interim appointments if the Compliance Officer is absent or if there is no Compliance Officer.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**Employee Complaint to Agencies**

The District encourages employees to report allegations of sexual harassment pursuant to this Policy and Regulations so that they can be addressed by the district. However, any employee has the legal right to immediately make a complaint to the appropriate governmental entity which includes the following:

Equal Employment Opportunity Commission (EEOC)
New York State Division of Human Rights.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of legal rights.

Personnel

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, or marital status.

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

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

(Continued)

Personnel

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

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

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

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

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

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

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.

Military Law Sections 242 and 243

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

Adopted: 8/19/04

Personnel

SUBJECT: WITHDRAWAL OF SERVICES BY DISTRICT EMPLOYEES

The Marlboro Board of Education opposes the strike as a weapon in stalemated negotiations. Sanctions and other types of withdrawal of services have the same deleterious effect upon school operations and are equally deplorable. The Board is not disposed to change its position on these points.

The administration has a responsibility to keep the school open. If the schools experience a work stoppage, the administration has an obligation to remain on the job to protect the students who report to school, to maintain communication within the community among parents, teachers and the public and to seek through reasonable methods to protect school property.

Accordingly, the Marlboro Board of Education authorizes the administration to prepare a plan to keep schools open and functioning in the event of a strike in as near normal a manner as possible.

Adoption Date

Personnel

SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

- a) To encourage and promote self-evaluation by personnel;
- b) To provide a basis for evaluative judgments by school administrators.

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

Personnel

SUBJECT: HEALTH EXAMINATIONS

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

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

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

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a twelve-month period.

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

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations
(NYCRR) Part 14
15 New York Code of Rules and Regulations
(NYCRR) Part 6

Adopted: 8/19/04

Personnel

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

The Marlboro Board of Education is committed to the prevention of alcohol, tobacco, and other substance use and abuse. This policy describes the philosophy of the District and the program elements the District will use to promote wellness for its students and staff and to inhibit the use and abuse of alcohol, tobacco, and other substances.

No person may use, possess, sell or distribute alcohol or other substances, nor may any person use or possess drug paraphernalia on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term "alcohol and other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school-sponsored events: any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol or other substances, or any person who school personnel have reasonable grounds to suspect has used alcohol or other substances.

The Superintendent or his/her designee shall establish a drug-free-zone awareness program to inform students, parents, and employees about:

- a) The dangers of illicit drug use;
- b) The District's policy of maintaining a drug-free environment;
- c) Any available drug counseling, rehabilitation, and employee assistance programs;
- d) The penalties that may be imposed for drug abuse violations.

In order to educate students on the dangers associated with substance abuse, the health education curriculum shall include developmentally appropriate instruction concerning the prevention of drug abuse for grades K-12. The Superintendent or his/her designee will biennially review District goals, exit outcomes, and curriculum implementation relating to Drug Education and Prevention programs and report to the District-wide Comprehensive Health Committee. Additionally, this curriculum shall be reviewed twice a year by the Board of Education and a system of assessing and measuring the outcomes of this instruction will be instituted by the District Superintendent. Further, the Superintendent will report twice annually to the Board on the results of the monitoring of this program.

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Personnel

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)
(Cont'd.)**

Any staff member observing narcotics possession or usage by students shall report the incident immediately to the Superintendent or his/her designee. The Superintendent/designee shall then seek immediate action as per the District Code of Conduct. Any narcotics found shall be confiscated immediately, followed by notification of the parent(s) or guardian(s) of the student(s) involved and the appropriate disciplinary action taken. 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.

All staff or students suspected or actually involved in substance abuse shall be referred to appropriate counseling service.

In all cases, the principal should inform the parent and student of options that may be used in dealing with the drug-related problems. It is the obligation and the responsibility of the parent and student to adhere to mutually agreed upon intervention options. These options may include the use of the counseling services within the school system, including participation in school-sponsored "rap sessions" on a scheduled basis, or the involvement of specific faculty personnel upon the request of the student and the approval of the principal. Private professional therapy such as mental health or psychological services may also be considered, as may the use of accredited, state-sponsored rehabilitative, therapeutic or preventive facilities. The cost of these latter options would not be the responsibility of the School District.

When it becomes apparent that students cannot benefit from the drug or alcohol abuse prevention services offered by the school, it may be necessary to refer such students to appropriate community or other outside agencies. Such referral procedures which include information on agencies and counseling should be established for every school in the District, and lines of communication should be established with each agency with whom contact for referral may be made.

In general, the student should be interviewed privately to determine the extent and nature of problem and to be prepared for referral. Referral should be made to the appropriate agency after the principal or coordinator in the school has become familiar with the needs of the individual pupil, in consultation with other staff members, as appropriate. If this course of action is taken, students should be given the opportunity of informing parents themselves. A parental conference should be conducted in such a manner as not to frighten parents and at the same time not to minimize the problem.

As a general rule, all cases of emergency related to drug abuse should be reported in the same manner as other serious incidents occurring in schools. However, entries regarding drug abuse should not be recorded on the student's cumulative record card. All data, suspicions and evidence of drug use should be held in strictest confidence, except as may be needed in referring or resolving the individual problem.

(Continued)

Personnel

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)
(Cont'd.)**

The Board recognizes that the problems of alcohol and other substance use and abuse effect 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 help either voluntarily or in lieu of disciplinary action.

In general, the Board shall only intervene if an employee's personal problems adversely affect his/her job performance.

The information contained in this policy shall be promulgated to the community, staff, and students, at least twice during the school year and all new staff or students will be advised of its contents prior to start of work or classes.

The Superintendent is also directed to inaugurate comprehensive in-service training of staff in the recognition, prevention, and intervention in the area of substance abuse.

Education Law Sections 913, 1711(2)(e), and 3020-a
Civil Service Law Section 75
Safe and Drug-Free Schools and Communities Act
20 United States Code (USC.) Section 7101 et seq.

NOTE: Refer also to Policies #3410 – Code of Conduct on School Property
#6560 – Employee Assistance Program
#7320 – Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 8/19/04

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act
20 United State Code (USC) Section 7101 et seq.
21 United State Code (USC) Section 812
21 Code of Federal Regulations (CFR)
1308.11- 1308.15
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)
#6560 -- Employee Assistance Program (EAP)
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 8/19/04

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

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

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

(Continued)

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

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Mentoring Programs for First Year Teachers

Effective February 2, 2004, first year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students to achieve consistent with the State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

Education Law Section 1604(27)
General Municipal Law Sections 77-b and 77-c
8 New York Code of Rules and Regulations
(NYCRR) Part 102.2(dd)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**Who Must Be Fingerprinted**

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District;
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Removal from the SED Criminal History File

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointments/Emergency Conditional AppointmentsConditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the District. However, upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

- a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and
- b) When no other qualified person is available to fill the vacancy temporarily; and
- c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

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

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

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2005; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

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

Adopted: 8/19/04

2004

6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

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

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

Adopted: 8/19/04

Personnel

SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

The American With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621

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

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

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

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

Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Personnel

SUBJECT: CERTIFICATION

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

Education Law Sections 3001, 3001-a, 3004, 3006,
and 3008
8 New York Code of Rules and Regulations
(NYCRR) Subparts 80-1, 80-2 and 80-3

Personnel

SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

Teachers hired after the first day of school in the 2002-2003 school year must be highly qualified in each of the areas in which they engage in incidental teaching. Additionally, all teachers must be highly qualified in any subject in which they engage in incidental teaching by the conclusion of the 2006-2006 school year.

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

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

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

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

Education Law Sections 3012 and 3020-a
8 New York Code of Rules and Regulations
(NYCRR) Subpart 82-1

Adopted: 8/19/04

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

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

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date, submitted to the Superintendent unless specified by law, and may be accepted only by the Board of Education. The Superintendent will conduct exit interviews.

Education Law Sections 3012, 3019-a, and 3031

Adopted: 8/19/04

Personnel

SUBJECT: TEMPORARY PERSONNEL

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

Student Teachers

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

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

Substitute Teachers

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

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

It shall be the policy of the Marlboro Board of Education that certified substitute teachers who serve for thirty (30) or more consecutive school days in the same assignment shall be placed on Step 1 of the BA Schedule of the Marlboro Teachers' Association contract or at some other step at the discretion of the Board, retroactively to the first day of service in such assignment.

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

Adopted: 8/19/04

2004

6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

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

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

Civil Service Law Section 63

Adopted: 8/19/04

Personnel

SUBJECT: EMPLOYMENT OF TEACHER AIDES

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

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

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

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

Adopted: 8/19/04

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**School Bus Monitors and Attendants**

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

- a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.
- b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

(Continued)

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS (Cont'd.)

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he/she fails the re-examination.

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, by July 1, 2004, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition on January 1, 2004 shall comply with the requirements of Education Law and Commissioner's Regulations by July 1, 2004. Any person hired after January 1, 2004 shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3

Adopted: 8/19/04

SUBJECT: EMPLOYEE ACTIVITIES**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

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

Personnel

SUBJECT: NEGOTIATIONS**Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Marlboro Central Teachers' Association;
- b) Marlboro Central Unit of Civil Service Employees' Association;
- c) Marlboro Central Administrators' Association;
- d) Marlboro Secretarial Association;
- e) Marlboro Para-Professional Association.

2004

6430

Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 8/19/04

2004

6440

Personnel

SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 8/19/04

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

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

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #8271 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy.

Personnel

SUBJECT: WORK STOPPAGES

The Marlboro Board of Education in its discretion may cancel all rights and benefits of employee organizations participating in or conducting strikes or other forms of work stoppages. Accordingly, the board authorizes the following modifications be made to the wages and benefits of those employees participating in any unauthorized work stoppage:

- a) Loss of Salary: As required by the Taylor Law, no employee shall be compensated while engaged in a strike.
- b) Fines: As required by the Taylor Law, the School District shall deduct twice the employee's daily rate of pay for each day engaged in the strike. This deduction is a fine, and federal and state taxes must be deducted even though the salary penalty is not paid to the employee.
- c) Sick Leave: No sick leave will be approved once the strike or job action begins, and no striker will accrue sick leave for the period of absence.
- d) Payroll Deductions: Payroll deductions for credit union benefits, retirement, loans and annuities will not be made during a strike.
- e) Health and Dental Insurance: All contracts of Insurance will remain in force, provided that employees make arrangement to pay premiums. No insurance premium payments or contributions to Welfare Benefit Trust Funds will be made by the District on behalf of striking employees.
- f) Use of School Facilities: Teacher(s) shall not be permitted to use school facilities during a strike if engaged in the strike.

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidated Omnibus Budget Reconciliation Act
of 1985

Personnel

SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

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

Adopted: 8/19/04

2004

6530

Personnel

SUBJECT: PAYROLL DEDUCTIONS

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

Education Law Sections 1604 and 1709

Adopted: 8/19/04

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

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

(Continued)

Personnel

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

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

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

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

Adopted: 8/19/04

SUBJECT: LEAVES OF ABSENCE

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
 2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 2. Employees who are not members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 3. Employees who are under contract to the District:
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
- 2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
- 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
- 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Military Leave

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

The Uniformed Services Employment and
Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73
Education Law Sections 1709(16), 3005, 3005-a and
3005-b
Military Law Sections 242 and 243

Adopted: 8/19/04

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

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

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

(Continued)

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

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

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

Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

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

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

Adopted: 8/19/04