

**THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**PERSONNEL AND NEGOTIATIONS**

**SERIES 9000**

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT**

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# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9000

## PERSONNEL POLICIES GOALS

The Board of Education recognizes that district personnel constitute the most important resource for effectively conducting a constantly improving quality learning program. The Board is committed to its personnel as individuals, and recognizes its responsibility for promoting the welfare of all of its employees.

The Board's specific personnel goals are:

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

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9010

## EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education, its officers, and employees shall not discriminate against any employee or applicant for employment on the basis of race, color, national origin, creed or religion, marital status, sex, age, or disability.

This policy of nondiscrimination shall include recruitment and appointment of employees, and employment pay and benefits.

Ref: Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972  
Executive Order 11246, as amended by E.O. 11375  
Equal Pay Act, as amended by the Education Amendments of 1972  
New York State Constitution Article I '11

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9020

## **BOARD-STAFF COMMUNICATIONS**

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

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

Adoption date: December, 1991

# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9100**

## **STAFF ETHICS**

For pertinent information concerning staff ethics refer to School Board Member Ethics, Section 2160 of this manual.

Adoption date: December, 1991

**STAFF CONDUCT**

For pertinent information refer to Public Conduct on School Property, refer to Section 1520 of this manual.

Adoption date: December, 1991

**DRUG-FREE WORKPLACE**

It is the goal of the District to provide a safe work environment and a healthy, productive workforce. Therefore, the Board of Education has promulgated the following as a requirement of the Drug-Free Workplace Act of 1988 and, further, to provide a drug-free workplace for all employees, not only those directly involved with Federally aided programs:

1. The manufacture, sale, distribution, illegal possession or illegal use of any controlled substances is forbidden anywhere on District property or in any vehicle belonging to the District. A "controlled substance" includes drugs which are illegal because they have no legitimate medical purpose, and drugs which have legitimate medical uses but are highly addictive.
2. If any employee is convicted of, or pleads guilty or nolo contendere to, a charge of manufacture, sale, distribution, possession, or use of a controlled substance, that employee must notify the District of the conviction or plea within five (5) calendar days after it is entered.
3. Any violation of section 1 or 2 of this policy will result in discipline, up to and including termination of employment, and/or required rehabilitation in an approved treatment facility.

Every employee shall be encouraged, but not required, to attend information sessions, sponsored by the district. These sessions shall cover the dangers of controlled substances; the District's policies on controlled substances; sources of help for dealing with abuse of such drugs; and the penalties for violation of this policy.

Any employee who wishes a copy of the Drug-Free Workplace Act of 1988 may request one from the Superintendent's office or through his/her bargaining group.

Cross-ref: 3230, Organization Chart  
9311, Support Staff Qualifications

Ref: Drug-Free Workplace Act (DFWA), P.L. 100-690  
Controlled Substances Act, 21 USC 812  
21 CFR 1300.11-1300.15  
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)  
Civil Service Law '75  
Education Law '3020-a  
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d  
57 (1987)

Adoption date: December, 1991



# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9125-R

## DRUG-FREE WORKPLACE REGULATION

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

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9125.1

## STAFF SUBSTANCE ABUSE

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

As noted in 9125, Drug-Free Workplace, the district shall maintain an employee awareness program, including information regarding substance abuse rehabilitation programs provided by local agencies.

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

### Employee Assistance Program

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

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

### Drug-Testing of Employees

No employee shall be subjected to urinalysis or other form of drug-testing without reasonable suspicion that the employee has been using an illegal drug(s). The school attorney shall be consulted before any implementation of such testing.

Cross-ref: 9125, Drug-Free Workplace

Ref: Civil Service Law '75  
Education Law '3020-a  
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)

Adoption date: December, 1991

**STAFF-STUDENT RELATIONS**

The Board of Education accepts the principle that the relationship between staff and students should be one of cooperation, understanding and respect. The Board believes that the Superintendent of Schools and each building level administrator as instructional leaders must exhibit a visible, involved relationship with pupil activities to create an appropriate environment for learning.

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

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

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9150

## STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; request for sexual activity; unethical physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student and/or parent (via phone, e-mail, letters, notes, instant messaging, text messaging, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; including, but not limited to, hugging or kissing a student, or grabbing, squeezing, pinching or rubbing the person of a student or making any contact whatsoever with the intimate or sexual parts, as defined by law, of a student's body; and engaging in sexual contact and/or sexual relations.

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

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

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9150

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

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

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

## **Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation.

## **District Responsibility/Training**

The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Student shall be provided such training in an age appropriate manner.

The District's policy shall be disseminated as appropriate to staff, students and parents, and will be posted to the District's web site. Further, this topic shall be addressed in the District Code of Conduct.

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

Education Law Article 23-B

Social Services Law Sections 411-428

8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: August 24, 2016

**THREE VILLAGE CENTRAL SCHOOL DISTRICT**

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9170

## MEALS AND REFRESHMENTS

The Board of Education recognizes that, occasionally, it may be appropriate to provide refreshments and/or meals at district meetings or events, which are being held for a district or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Building Administrator. Meal requests may be approved when:

- officers and/or employees of the district will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;
- the district is faced with business of an immediate nature and meetings of district employees are essential at mealtime;
- the district wishes to recognize the services provided by volunteers or other unsalaried members of the district (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).

An example of an authorized expenditure would be refreshments and/or meals for staff assigned to participate in assessment day grading of standardized tests.

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, and submitted to the district's Business office for the purposes of audit and possible reimbursement.

Ref: NY Constitution, Art. VIII, §1 (constitutional prohibition against gifts)  
Education Law §2118  
Ops. St. Compt. 77-667; 79-522; 82-66; 82-213 82-298; 83-57; 98-2

Adoption date: April 2005

Revised: April 2007

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9200

## PROFESSIONAL STAFF

For information about the following professional staff topics, refer to the appropriate article(s) in the Agreement Between the Board of Education, Three Village Central School District and Three Village Teachers' Association, the Agreement Between the Three Village Central School District and the Three Village Substitute Teachers' Association, and the Contract Between Three Village Central School District and Three Village School Administrators' Association:

8730	Health Insurance
9221	Professional Staff Salary Schedules
9222	Professional Staff Fringe Benefits
9223	Professional Staff Leaves and Absences
9224	Professional Staff Vacations and Holidays
9231	Posting of Professional Staff Vacancies
9240	Part-time and Substitute Professional Staff Employment
9251	Professional Staff Probation and Tenure
9253.3	Retirement of Professional Staff Members
9253.4	Suspension, Dismissal, or Other Discipline of Professional Staff Members
9260	Professional Staff Assignments and Transfers
9270	Professional Staff Time Schedules
9271	Professional Staff Extra Duty
9272	Professional Staff Meetings
9520	Staff Complaints

Adoption date: December, 1991



# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9210**

## **PROFESSIONAL STAFF POSITIONS**

All professional staff positions in the school system will be created initially by the Board of Education.

In each case the Board will approve the broad purpose and function of the position consistent with state laws and regulations. The Board delegates to the Superintendent of Schools the task of writing, or causing to write, and maintaining a job description for all positions approved by the Board. Job descriptions should set forth the responsibilities for all positions so as to promote effectiveness in school operations. Such job descriptions shall be reviewed and revised periodically by the Superintendent to conform with the changing needs of the district.

Although a position may remain temporarily unfilled, only the Board may abolish a position it has created.

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9211.2

## INCIDENTAL TEACHING

The Board of Education authorizes the Superintendent of Schools to assign a teacher to teach a subject not covered by the teacher's certificate for up to five classroom hours a week when the Superintendent believes it is in the interests of the school district. In order to accomplish this, the Superintendent shall, pursuant to the regulations of the Commissioner of Education:

1. determine that the teacher being assigned on an incidental basis has sufficient teaching experience and knowledge of the subject to teach it in a competent manner;
2. submit a list of all teachers assigned on an incidental basis, including the course assigned and the certification area of the teacher so assigned, to the Board of Education at a public meeting by October 1 of each year. Assignments made after October 1 must be reported to the Board at the next regularly scheduled public Board meeting; and
3. submit the same list to the State Education Department as part of the district's annual Comprehensive Assessment Report.

In addition, the Superintendent shall ensure that the district informs parents about incidental teaching assignments by at least one of the following methods: public discussion at a Board meeting, publication in a newsletter, or posting letters to parents.

The information provided should include the teacher's experience and knowledge of the subject matter so parents are aware of the teacher's qualifications to teach the subject.

If a parent appeals an incidental teaching assignment, the appeals process shall begin with the filing of a written complaint with the Building Principal. If the complaint remains unresolved at this level, the complaint is appealable to the Superintendent. If still unresolved, the parent may appeal to the Board for a final determination. If the complaint concerns a particular teacher's qualifications, the Board may meet in executive session to discuss the issue.

Ref: 8 NYCRR '80.2(c)(7)

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9230

## PROFESSIONAL STAFF RECRUITING AND HIRING

Through its employment policies, the Board of Education will attempt to attract, secure, and hold qualified personnel for all professional positions. The selection program will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

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

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

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

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

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

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9241

## ARRANGEMENTS FOR PROFESSIONAL STAFF SUBSTITUTES

The Board of Education recognizes its obligation to provide qualified, temporary replacements for district teachers who are absent from school.

It is the goal of the administration to hire qualified substitutes. In some instances it becomes necessary to call upon teachers or paraprofessionals to perform teaching duties as substitutes. Payment and duties are outlined in the Board/TVTA contract.

The Superintendent of Schools shall promulgate regulations and procedures necessary to allow for the effective arrangement for substitute teachers.

In order to allow adequate time for the school to procure a substitute, professional staff members should notify the Building 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.

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9253.2

## **RESIGNATION OF PROFESSIONAL STAFF MEMBERS**

Professional employees shall give at least 30 days notice to the Board of Education of their intent to resign. The Board may waive this notice provision by accepting a resignation offered within 30 days of when it is to take effect.

Once officially accepted by the Board, the resignation shall be considered final.

Ref: Education Law '3019-a

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9300

## SUPPORT STAFF

The following policies cover all District employees who are considered support staff/service personnel.

For information about the following support staff topics, refer to the appropriate articles in the Agreements Between the Three Village Central School District and the Food Service Unit, Maintenance Unit, School Monitor Unit, and the Clerical Unit of the Civil Service Employees Association, Local 1000:

- 8730 Health Insurance
- 9320 Support Staff Contracts and Compensation Plans
- 9321 Support Staff Salary Schedules
- 9322 Support Staff Fringe Benefits
- 9323 Support Staff Leaves of Absence
- 9324 Support Staff Vacations and Holidays
- 9331 Posting of Support Staff Vacancies
- 9354 Support Staff Termination of Employment
- 9354.3 Retirement of Support Staff Members
- 9354.4 Suspension and Dismissal Of Support Staff Members
- 9370 Support Staff Time Schedules
- 9420 Recognized Employee Collective Bargaining Agents
- 9371 Support Staff Extra Duty
- 9520 Staff Complaints

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9310

## SUPPORT STAFF POSITIONS

All support staff positions in the school district will be established by the Board of Education.

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

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

Upon final Board action, the Superintendent shall refer all proposals for the creation or reclassification of positions and a statement of the duties to the Suffolk County Civil Service Commission.

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

Adoption date: December, 1991

# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9311**

## **SUPPORT STAFF QUALIFICATIONS**

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

All prospective support staff employees shall meet all qualifications for their respective positions as set forth by the Suffolk County Civil Service Commission.

Adoption date: December, 1991



# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9330**

## **SUPPORT STAFF RECRUITING AND HIRING**

Support staff employees shall be appointed upon recommendation of the Superintendent of Schools and approval of the Board of Education.

The Assistant Superintendent for Personnel shall assure that persons nominated for employment meet civil service qualifications established for the position for which the nomination is made.

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9400

## NEGOTIATIONS

The Board of Education recognizes that good faith negotiations with certified representatives of its employees should lead to agreements that are mutually satisfactory.

The Board shall clearly set forth its goals and objectives to the Board's representatives prior to the beginning of negotiations.

Ref: Civil Service Law, Article 14

Adoption date: December, 1991

# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9411**

## **BOARD NEGOTIATING AGENTS**

Prior to commencement of any negotiations, the Board of Education, with the assistance of the Superintendent of Schools, will decide on the makeup of its negotiating team and who will serve as the Board's chief spokesperson.

Negotiations will be conducted only as directed by the Board.

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

Adoption date: December, 1991

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9420

## EVALUATION OF STAFF (NOT COVERED BY 3012-c OF EDUCATION LAW)

The Board of Education believes that the regular, rigorous and meaningful evaluation of all staff is necessary to continuously improve the achievement of students and the operation of the district. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are evaluated annually and receive appropriate levels of support based upon that evaluation, if necessary, to improve their skills.

### Administrators

All administrators, other than building principals who are covered by policy 9240.1, shall be evaluated annually by the Superintendent or his or her designee in accordance with this policy, applicable state law, regulation and collective bargaining agreements.

### Professional Employees (not covered by 3012-c)

All professional employees (non-classroom teachers providing instructional services or pupil personnel services, counselors, school psychologists and social workers) shall be evaluated annually in accordance with state law and regulation, as well as any applicable collective bargaining agreement and the district's Part 100.2(o) Professional Performance Review Plan. The plan shall include the required regulatory elements such as: (a) criteria for evaluating teachers and other professional employees, (b) assessment methods, (c) how timely and constructive feedback from evaluations will be provided; (d) plans to improve teacher performance for those rated developing and ineffective, and; (e) training for evaluators.

The Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan, which may be a multi-year 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 to determine if changes are necessary after its initial adoption.

The Superintendent shall submit the district's Professional Performance Review Plan, with any recommended changes, to the Board at its organizational meeting. 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 applicable bargaining units the opportunity to comment on the plan, prior to its adoption, at a 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.

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9420

Each year, the Superintendent shall provide a report to the State Education Department on information related to the district's efforts to address the performance of non-classroom teachers rated ineffective.

## 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 and this policy.

## Training

The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Cross-ref: 9160, Personnel Records  
9420.1, Building Principal and Classroom Teacher Evaluation  
9700, Staff Development

Ref: Education Law §3012-c  
8 NYCRR § 100.2(o) (Professional Performance Review Plans)

Adoption date: December 11, 2013

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9420.1

## **BUILDING PRINCIPAL AND CLASSROOM TEACHER EVALUATION**

In accordance with state law and regulation, it is the goal of the Board of Education to have a high quality evaluation program for staff including building principals and classroom teachers, which results in an effective teacher in every classroom and an effective leader in every building in the district. In order to achieve that goal, the Superintendent of Schools shall be responsible for ensuring that building principals and classroom teachers are evaluated annually, in accordance with state law and regulation. Evaluations will be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determination, termination and supplemental compensation.

### Annual Professional Performance Review Plan

The district will submit the required annual professional performance review plan to the State Education Department in a timely manner, in conformance with state law, Regents Rules and Commissioner's Regulations. The Superintendent will provide periodic reports to the Board of Education on the progress of negotiations regarding the negotiable parts of the plan, salient information about the preparation of the plan, present the plan for Board approval and apprise the Board when the plan has been approved by the State.

The plan shall include a description of the required elements, including the following:

- (a) the process for transmitting accurate data to the State Education Department,
- (b) scoring methods that ensures the integrity of the testing process,
- (c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion;
- (d) how timely and constructive feedback from evaluations will be provided;
- (e) plans to improve teacher performance for those rated ineffective, and
- (f) training for evaluators.

Once the district has received approval of the plan by the State Education Department, the plan will be posted on the district's website within 10 days, or by September 10<sup>th</sup>, whichever is later.

### Classroom Teachers and Principals (covered by Education Law §3012-c)

Classroom teachers and buildings principals will receive a composite performance rating as part of the annual professional performance review, in accordance with state law, by September 1<sup>st</sup> of the following school year. The composite performance rating will fall into one of four categories: highly effective; effective; developing and ineffective. This composite rating will be made up of multiple measures of effectiveness and will include student performance on state and local tests, in accordance with the terms of the annual professional performance review plan.

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9420.1

## Teacher and Principal Improvement Plans

When a teacher or principal is rated as developing or ineffective as a result of the annual performance review, the Superintendent or his/her designee must formulate and commence an improvement plan (TIP/PIP). The improvement plan will be developed in accordance with negotiated agreements, but must be in place no later than 10 school days from the opening of classes in the school year following the school year for which the performance was rated. The Superintendent will prepare an annual summary report for the Board on the number of TIPs/PIPs issued and other relevant data to support assessment of the effectiveness of the district's approach to improvement plans. In the event that the assessment reveals that progress isn't being made, the administration will recommend changes to the approach.

## Appeals

For classroom teachers and principals, an appeal of an evaluation may be commenced once the composite evaluation score has been received. The right to appeal and the process of the appeal is prescribed by the annual professional performance review plan.

## Training

The Superintendent or his or her designee is the lead evaluator for the district and shall plan his/her own professional development in order to maintain his/her expertise in this area. The Superintendent or his or her designee shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

## Reporting and Public Disclosure

Upon request from a parent or legal guardian, the district will provide the final quality rating and composite effectiveness score for each of the classroom teachers and for the building principal to which the student is currently assigned. The district will take reasonable steps to review the request to verify that the parent/guardian is entitled to the information. The Superintendent will develop procedures to implement this provision of the policy.

Cross-ref: 9140.1, Employee Complaints and Grievances  
9420, Staff Evaluation  
9160, Personnel Records  
9700, Staff Development

Ref: Education Law §3012-c  
8 NYCRR Subpart 30-2  
8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)

## **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

*Guidance on New York State's Annual Professional Performance Review for Teachers and Principals to Implement Education law §3012-c and the Commissioner's Regulations, Updated, August 30, 2013*

Adoption date: December 11, 2013



# THREE VILLAGE CENTRAL SCHOOL DISTRICT

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## PERSONNEL RECORDS

It is the intent of the Board to maintain complete and current personnel files for all District employees. The official district personnel file shall be maintained in the district's central office.

The file of an individual employee shall be considered confidential information and shall be available only to authorized administrative personnel, to the Board of Education pursuant to 8NYCRR Part 84 and to the employee.

Every employee, upon written request to the Assistant Superintendent for Personnel, shall have the right during regular working hours to inspect his/her personnel file, with the exception of information obtained in the process of evaluating his/her for initial employment, including confidential placement papers and references.

Information of a derogatory nature (except as may appear above) shall not be entered or filed in the employee's personnel folder until the employee is give notice of the filing. The employee shall be given an opportunity to review the information and comment thereon, and shall have the right to append a reply to the statement, which shall be included in his/her folder. The employee must affix his/her signature to the actual copy to be kept as an indication that the material has been examined.

Adoption date: December, 1991

# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

**9511**

## **PHYSICAL AND MENTAL EXAMINATIONS**

Just prior to employment in the District, candidates for permanent part-time and permanent full-time positions shall be required to have a physical examination if required by law or regulation.

An individual shall be required to undergo an examination if in the judgment of the Board it is necessary to determine the individual's physical and/or mental capability to perform his/her duties.

Each employee returning from an extended leave of absence for health reasons shall be required to undergo an examination by the Chief School Physician. Any employee absent from work due to illness may be required to undergo an examination by the Chief School Physician.

Ref: Education Law '913

Adoption date: December, 1991

Revised: January, 1994

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9520.2

## FAMILY AND MEDICAL LEAVE

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

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

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or child with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member, which is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, is entitled to a total of 26 workweeks of unpaid, job protected leave in a single 12-month period to care for the service member who is seriously ill or injured in the line of duty.

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

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

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

**9520.2**

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

The District shall observe any employment benefit program or plan that provides greater family or medical leave rights to the employee other than rights established by the FMLA.

Ref: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.  
29 CFR 825.110, 825.309, 825.600, 825.603, 825.800.

Adoption Date: June 23, 2009

Revised: September 3, 2014

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

9520.5

## LEAVES OF ABSENCE

In general, leaves of absence shall be administered by the Superintendent of Schools or his or her designee. The Board of Education reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in this policy statement. 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. The purpose or conditions of a leave of absence may not be altered.

Contractual leaves of absence shall be granted to employees who are members of a negotiating unit. In such cases, authorization to approve requests for leaves of absence submitted shall be pursuant to provisions of contracts in effect between the District and each bargaining unit.

- In the case of employees who are not members of a negotiating unit, authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
- In the case of employees who are under contract to the District, authorization is granted to implement provisions for leaves of absence contained in each such contract.

Unpaid leaves of absence not covered above will be subject to limitations enumerated in this policy statement. Such authorization is granted for the following unpaid leaves of absence:

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

Unpaid leaves of absence may not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves.

Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, are able to be secured.

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.

The District will notify employees of their right to leaves as indicated by federal law, state law or regulation.

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9520.5

Other Leaves:

## Blood Donation

In accordance with state law, employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent or his or her designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

Leave granted to employees for off premises blood donation is not required to be paid leave. Leave taken by employees for “donation leave alternatives” (which is what the law terms on-site blood donation) shall be paid leave given without requiring the employee to use accumulated vacation, personal, sick or other existing leave time.

Employees wishing to utilize the leave time for offsite blood donation shall give a minimum of three (3) working days’ notice to the Superintendent or his or her designee. Employees wishing to utilize the leave time for alternate donations shall give a minimum of two (2) working days’ notice.

The District will provide reasonable accommodations in emergency situations where an employee needs to donate blood for his own surgery or that of a family member.

## Cancer Screening:

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for cancer. This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

Certification of testing shall be provided by the employee of the District. Verification shall be produced in a timely fashion.

Ref: Civil Service Law § 159-b  
Labor Law § 202-j  
*Matter of Cruz et al v Wappingers CSD*, slip opinion (Supreme Court, Dutchess County, July 14, 2008)  
*Matter of Fringuello v Wappingers CSD*, slip opinion (Supreme Court, Dutchess County, July 15, 2008)

Adoption Date: June 23, 2009

Revised: December 12, 2018

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

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## TERMINATION AGREEMENTS

The Board of Education is greatly concerned about former employees of school districts who have resigned their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action. Such termination or settlement agreements often prohibit the disclosure of their terms to prospective subsequent employers, thus preventing prospective employers from becoming fully apprised of the reason(s) the individuals left their former positions and taking appropriate action.

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

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

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

Adoption date: December, 1991

## 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 by an employee or volunteer in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- school board member
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech–language pathologist
- teacher aide
- school resource officer, and
- any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

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

### Definitions

“Administrator” or “school administrator” shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

“Child” means a person under the age of 21 enrolled in a school.



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“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

“Educational setting” means the buildings and grounds of the school, the vehicles provided by directly or by contract with the school for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

"Employee" means any person who is receiving compensation from a school district. Additionally, for the purpose of this policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, whereby such services performed by such person involve direct student contact.

“Law enforcement authorities” means any officer or office of municipal, sheriffs, or division of the state police department.

“Parent” means either both of a child’s parents or other persons legally responsible for the child.

“School” generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by section 1125(10) of Education Law.

"Volunteer" means any person, other than an employee, who has direct student contact and provides services to a school or school district which involve direct student contact and who provides services to any person or entity which contracts with a school to provide transportation services to children.

## Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

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1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and shall personally deliver it to the school district superintendent employed by the school district where the child abuse occurred.

If an allegation is made which involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified of the allegation.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the employee the allegation is being made against is the superintendent or the administrator, the report of such allegations shall be made to the Assistant Superintendent for Human Resources.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, 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) that an allegation of child abuse in an educational setting has been made and promptly provide the

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parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

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 certification or license issued by the department.

## Rights of Employees and Volunteers

Any employee or volunteer 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. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

## Confidentiality

All reports, photographs, 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.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

## Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent 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, shall be a class A misdemeanor. 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.

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The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

## 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 current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements as specified in Commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of this chapter.

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Ref: Education Law §§1125-1133  
Penal Law §§130, 235, 263  
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)  
*Appeal of S.S.*, 42 EDR 273 (2003)

Adoption date: October 28, 2003

Revised: October 25, 2011

December 9, 2020

**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 ethical 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, but not be limited to:

- theft of District money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- corruption, conflicts of interests or abuse by another employee relating to his office or employment
- 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
- violations of District policy, regulation, and/or procedure.

**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 and/or Board of Education. The Superintendent of Schools shall notify the Board of Education upon receipt of a complaint. The Board of Education or Superintendent of Schools upon receiving a report of alleged wrongful conduct, shall take immediate steps to authorize an investigation.

Staff members who suspect that a violation of state testing procedures has occurred shall report their concerns to the Building Principal, the Superintendent, or the State Education Department. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, of Schools and the District Clerk shall maintain a written record of the allegation and results of an investigation.

Except as otherwise provided in either state and/or federal law, the Board of Education and/or Superintendent shall make all reasonable attempts to protect the identity of the employee

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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.

## Complaints of Reprisal

Employees who have a reasonable belief that the conduct about which he or she complains constitutes a violation of law, rule or regulation are protected by Civil Service Law § 75-b. Accordingly, the district shall not terminate or take any other disciplinary or adverse personnel action against an employee because he or she disclosed information to a governmental body regarding a violation of a law, rule or regulation where the violation: (1) creates and presents a substantial and specific danger to the public health or safety; or (2) is one which the employee reasonably believes to be true and reasonably believes constitutes an improper school district action.

Before reporting any such information to another governmental agency, and in order to obtain the protections of Civil Service Law § 75-b, an employee must make a good faith effort to provide the Superintendent, or where the allegations involve the Superintendent, the Board of Education, with the information to be disclosed and a reasonable time and opportunity to take appropriate action to correct the improper activity, policy or practice. This “Whistleblower Protection” shall extend to retaliation consisting of adverse personnel action affecting an employee’s compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Further protection of a school employee who reports information regarding illegal or inappropriate financial practices shall be accorded the employee pursuant to Education Law § 3028-d. Any employee of the district having reasonable cause to suspect that the fiscal practices or actions of an employee or officer of the district violate any local, state, or federal law, rule and/or regulation relating to the financial practices of the district, and who, in good faith, reports such information to an official of the district or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Neither the district nor its employees or officers shall take, request, or cause a retaliatory action against any such employee who makes such a report.

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.

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Ref: Civil Service Law §75-b  
Labor Law §740  
8 NYCRR §§102.3, 102.4  
*Garrity v. University at Albany*, 301 A.D. 2d 1015 (3<sup>rd</sup> Dept. 2003)  
*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997)

Adopted: April 22, 2015



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## 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.

### Administrators

All administrators in the school district not otherwise covered by this policy 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 and Leaders

All teachers and leaders (i.e., holders of school building leader, school district leader, and school district business leader certificates) will be provided with opportunities for professional growth directly related to student learning in accordance with any applicable collective bargaining agreement and the district's Professional Learning Plan. Level III teaching assistants and long-term substitute teachers (employed for more than 40 days in a school year) will have the opportunity to participate in the district's professional learning program.

The district's Professional Learning Plan, which may be a multi-year plan, will include all items required by the Commissioner's regulations, including but not limited to the following:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional learning in the district and a description of how the district will provide all teachers substantial professional learning activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the district provides teachers and leaders with opportunities directly related to student learning outcomes identified in the district's report card and other sources, and a description of how professional learning in educator practice and curriculum development are culturally responsive and reflect the needs of the community.
- A description of how the professional learning provided will align with New York standards and assessments, student needs, including linguistic, cultural diversity and special needs, and will include culturally appropriate and responsive practices. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.

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- A description of how it will provide teachers, leaders, and Level III teaching assistants with opportunities to maintain their certificate in good standing by successfully completing 100 hours of professional learning every five years.
- A mentoring program to provide support for new teachers and leaders in order to ease the transition from teacher and leader preparation to practice, thereby increasing retention of teachers and leaders in the public schools, and to increase the skills of new teachers in order to improve student achievement.
- Unless granted an exemption by the Commissioner of Education, a description of how the district will provide professional learning to teachers, leaders, and Level III teaching assistants to address the needs of English Language Learners.

The Board will establish a Professional Learning Team to review and revise the district's Professional Learning Plan annually. The Board will appoint members to the team at the first regular Board meeting in September.

The Professional Learning Team shall meet on or before October 1. The Superintendent or 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 Learning Plan.

The Professional Learning Team will submit any recommended revisions to the Professional Learning 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 or his/her designee 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

## THREE VILLAGE CENTRAL SCHOOL DISTRICT

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 §§ 3006-a (required hours); 3604(8) (Superintendent Conference days)  
8 NYCRR §§ 80-6.3 (required hours); 100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations); 100.2(dd) (Professional Learning Plans) ; 154-2.3(k) (professional learning related to the needs of English Language Learners)

Adoption date:

Revised: March 14, 2018  
August 22, 2018  
March 10, 2021